

CROCKETT COMMUNITY SERVICES DISTRICT

Special Business Meeting AGENDA FOR WEDNESDAY, APRIL 1, 2020

TIME: 7:00 PM

PLACE: ** TELECONFERENCE - SEE BELOW **

IMPORANT NOTICE REGARDING COVID -19 AND TELECONFERENCED MEETINGS:

Based on the mandates by the Governor in *Executive Order 33-20* and the County Public Health Officer to shelter in place and the guidance from the CDC, to minimize the spread of the coronavirus, please note the following changes to the District's ordinary meeting procedures:

- The District offices are not open to the public at this time.
- The meeting will be conducted via tele conference using Zoom.
- All members of the public seeking to observe and/or to address the local legislative body may participate in the meeting telephonically or otherwise electronically in the manner described below.

Agenda packet can be accessed at <https://www.town.crockett.ca.us/2020-04-01-board-ccsd-special-board-meeting-7-00-pm>. Public comments by phone and chat (online only) will be available during the teleconference.

HOW TO OBSERVE THE MEETING:

Telephone: Listen to the meeting live by calling Zoom at (669) 900-9128. Enter the Meeting ID# 950 230 736 followed by the pound (#) key. More phone numbers can be found on Zoom's website by visiting Zoom Support and searching for local dial in numbers if the line is busy.

Computer: Watch the live streaming of the meeting from a computer by navigating to <https://zoom.us/j/950230736> using a computer with internet access that meets Zoom's system requirements (see <https://support.zoom.us/hc/en-us/articles/201362023-System-Requirements-for-PC-Mac-and-Linux>)

Mobile: Login through the Zoom mobile app on a smartphone and enter Meeting ID# 950 230 736.

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1. CALL TO ORDER – ROLL CALL
 2. CALL FOR REQUESTS TO CONSIDER ITEMS OUT OF ORDER
 3. PUBLIC COMMENTS ON NON-AGENDA ITEMS:
(The Board is prohibited from discussing items not on this agenda. Matters brought up that are not on the agenda may be referred to staff for action or calendared on a future agenda.)
 4. ADMINISTRATIVE:
 - a. Adopt Urgency Ordinance No. 20-1 authorizing increased authority of the General Manager during the local emergency caused by the COVID-19 pandemic and waiving prohibition of recording of meetings.
 - b. Adopt Resolution No. 19/20-18 designating an alternate regular meeting location and authorizing the Crockett Community Center for possible use as an “alternate care site”.

- c. Adopt policy to provide District employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19 as required by The Families First Coronavirus Response Act (FFCRA or Act) through December 31, 2020.
- d. Authorize order to Regional Governmental Services (RGS) to assist with FEMA COVID-19 Disaster Recovery, including documenting losses incurred to manage District's COVID-19 incident, and coordinate with Contra Costa County Office of Emergency Services as required to seek reimbursement via FEMA grants.
- e. Receive report from Strategic Planning Ad Hoc Committee on issues facing the District.
- f. Receive report on management structure, status reports of previously ordered actions, and consider forming ad hoc committee to discuss workload and distribution of the General Manager/staff and the District as a whole.

5. REPORTS FROM BOARD MEMBERS:

(These items are typically for exchange of information only. No action will be taken at this time.)

- a. Inter-agency meetings.
- b. Board comments.

6. FUTURE AGENDA ITEMS:

7. ADJOURNMENT to April 22, 2020

You will find the Minutes of this meeting posted on our website at www.town.crockett.ca.us Visit our website for more information on meetings and activities of the Crockett Community Services District and the towns of Crockett and Port Costa on the picturesque Carquinez Strait of the San Francisco Bay.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a District meeting, or if you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the General Manager at (510) 787-2992. Notification of at least 48 hours prior to the meeting or time when services are needed will assist District staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item, and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection at the Crockett Community Services District Office in Crockett. If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda. The office address is 850 Pomona Street, Crockett, California 94525.

ORDINANCE NO. 20-1

**AN URGENCY ORDINANCE OF THE CROCKETT COMMUNITY SERVICES
DISTRICT AUTHORIZING ADDITIONAL AUTHORITY OF THE
GENERAL MANAGER DURING THE LOCAL EMERGENCY CAUSED BY THE
COVID-19 PANDEMIC AND
WAIVING PROHIBITION OF RECORDING OF MEETINGS**

WHEREAS, on March 4, 2020, the Governor of the State of California declared a State of Emergency to exist in California as a result of the threat of Novel Coronavirus 2019 (“COVID-19”); and

WHEREAS, on March 10, 2020, the Contra Costa County Board of Supervisors adopted a proclamation of a State of Emergency in the County of Contra Costa to deal with the potential spread of COVID-19 for which the towns of Crockett and Port Costa, being unincorporated communities, fall under; and

WHEREAS, on March 12, 2020, the Governor issued Executive Order N-25-20 in further response to the spread of COVID-19, mandating compliance with state and local public health officials as pertains to measures to control the spread of COVID-19; and

WHEREAS, on March 16, 2020, the Health Officer of the Contra Costa County issued a “shelter-in-place” Public Health Order which included direction to governmental agencies to cease non-essential operations to slow the spread of COVID-19 to the maximum extent possible; and

WHEREAS, the health, safety and welfare of Crockett Community Services District (“District”) residents, businesses, visitors and staff are of utmost importance to the Board of Directors (“Board”), immediate actions were taken to establish staffing safe levels, implement operational changes to comply with social distancing requirements in the Public Health Order, and temporarily close the District facilities to the public; and

WHEREAS, on March 30, 2020 the District developed ad CCSD COVID-19 Plan (“Plan”), attached hereto and incorporated herein, based on previously taken actions; and

WHEREAS, additional future measures may be needed to protect the community which may require updates to the Plan; and

WHEREAS, the District provides Essential Governmental Functions because the sanitary department services provided are necessary to maintaining the health and safety of the public, and essential operation of residences, Essential Activities and Essential Business, as those terms are defined in the Public Health Order; and

WHEREAS, preparing for, responding to, mitigating, and recovering from the spread of COVID-19 may require the District to divert resources from normal day-to-day operations and it may impose extraordinary requirements on and expenses to the District; and

WHEREAS, under the Emergency Services Act, Government Code Section 8634, during a local emergency, a political subdivision may promulgate orders and regulations that are necessary to provide for the protection of life and property; and

WHEREAS, the District General Manager (“General Manager”) currently has spending authority up to \$5,000, without prior Board approval in addition to limited authority related to personnel matters; and

WHEREAS, in the absence of Board action, strict compliance with certain District rules and ordinances could prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of COVID-19; and

WHEREAS, after consideration of all the facts reasonably available for review at the present time, the Board of Directors finds it in the best interest of the District to authorize the increase in General Manager spending authority to \$15,000, and up to \$25,000 upon authorization from the President of the Board, and approves all acts necessary and appropriate to ensure the operation of the District; and

WHEREAS, because of actions by the County and State affecting the location and format of Board meetings, the Board further desires to waive the prohibition of recording meetings in District Code Section 2.12.050.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE CROCKETT COMMUNITY SERVICES DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings

The Board of Directors of the Crockett Community Services District finds that all of the above Recitals are true and correct and incorporated herein by reference. The provisions of the Proclamation of a State of Emergency issued by the Governor of California on March 4, 2020, including the recitals therein, and the provisions of Executive Order N-25-20, including the recitals therein, are incorporated herein as if fully set forth.

SECTION 2. Urgency Findings

The Board of Directors of the Crockett Community Services District hereby finds that there is a current and immediate threat to the public health, safety and/or welfare and a need for immediate preservation of the public peace, health, or safety that warrants this urgency ordinance, which finding is based upon the facts stated in the recitals above, and in the staff report dated April 1, 2020, as well as any oral and written testimony at the April 1, 2020 meeting of the Board of Directors. This Ordinance is declared by the Board of Directors to be an urgency measure necessary for the immediate preservation of the public peace, health or safety. The facts constituting such urgency are all of those certain facts set forth and referenced in this Ordinance and the entirety of the record before the Board of Directors.

SECTION 3. Ordinance.

1. The Board of Directors hereby promulgates the attached CCSD COVID-19 Plan which may be updated from time to time as may be necessary to respond to changing federal, state and local orders and to implement best practices designed to ensure public health.
2. Notwithstanding Section 2.08.030 of the District Code, the General Manager's independent spending authority is hereby increased to \$15,000. Where authorized in writing by the President of the Board of Directors, the General Manager's independent spending is hereby increased to \$25,000.
3. The Board of Directors hereby allocates \$40,000 of the Ad Valorem Property Tax held in Fund 3240 for the District's response to the COVID-19 crisis.
4. The General Manager is authorized to take all actions necessary, proper, and appropriate in his/her reasonable discretion to ensure the continued operation of the District, the safety of employees, and the safety of the public, including, but not limited to reasonable deviations from Board adopted Ordinances, Resolutions, Policies, and Procedures. Any exercise of the General Manager's authority pursuant to this Resolution shall be reported to the Board within a reasonably prudent timeframe.
5. The authority vested in the General Manager by this Urgency Ordinance will terminate by action of the Board and/or the Governor, Contra Costa County Health Officer, and Contra Costa County Emergency Services Director have each declared the state of emergency issued by his or her respective agency has ended.
6. The prohibition on recording meetings, as defined in District Code Section 2.12.050, to facilitate to transcription of the official minutes during this emergency, is hereby waived until one of the termination events described in Section 6, above, occurs.

SECTION 4. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The Board of Directors of the Crockett Community Services District hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. Effective Date

Following adoption by at least a four-fifths vote of the Board of Directors, this Ordinance shall be effective immediately upon adoption pursuant to California Government Code Sections 25123 and 25131. The Board Secretary shall certify as to the adoption of this Urgency Ordinance and shall cause it to be published within fifteen (15) days of the adoption and shall post a certified copy of this Urgency Ordinance, including the vote for and against the same, at the District Office, in accordance with California Government Code Section 25124.

PASSED AND ADOPTED by the Board of Directors of the Crockett Community Services District on _____, by the following roll call votes:

AYES:

NOES:

ABSENT:

ABSTAINED:

President, Board of Directors
of the Crockett Community Services District

ATTEST:

Board Secretary of the
Crockett Community Services

3503839.1

CROCKETT COMMUNITY SERVICES DISTRICT (CCSD) COVID-19 Plan as of March 30, 2020

1. Administration / Sanitary department staff will continue to work in the office and in the field based on their position, but with the following measures to allow social distancing:
 - a. Staffing has the Port Costa Sanitary Department Manager/Assistant Crockett Sanitary Department Manager primarily working out of the District office Monday through Thursday, the General Manager/Crockett Sanitary Department Manager is setup for telework and comes into the office on Friday, both respond to field calls as needed
 - b. Assistant District Secretary / Facilities Manager continues to work out of the Recreation office to answer incoming calls, provide electronic documents from secure network to remote employees as requested, assist with payroll processing, and oversee security of the facilities
 - c. No sharing of workstations or other individual equipment
 - d. Wiping down of shared equipment, such as the District vehicle and manhole hooks, and door handles before and after use
 - e. For rooms that are too small to allow appropriate social distancing (District office, storage room, etc.), only one staff member will work in the room at a time
 - f. Staff meetings held outdoors, or via Zoom teleconference
 - g. The District has discontinued inspections except for emergency sewer permits inspections or public works sewer projects, but will continue to accept lateral sewer inspections (DVDs or USBs dropped off in mail slot) or via email
 - h. In the event of face-to-face contact with a resident, staff will maintain a distance of at least 6'; non-essential interaction with residents will be avoided
2. Recreation staff has reduced its workload to only perform Essential Governmental functions while following measures to allow social distancing including maintain a distance of at least 6' when interacting with staff or the public:
 - a. Recreation Department Manager will work from home, visit the recreation office for short durations if needed, and perform maintenance at the recreation facilities, such as the pool, as well as emptying trash from Alexander Park
 - b. Event Supervisor positions have been furloughed
 - c. Maintenance Attendant will empty trash
3. Public access to the Crockett Community Center, the Recreation office, and the District office has been discontinued; packages will be dropped off at the main entrance to the building to allow appropriate distancing, the Assistant District Secretary can view main entrance and will bring packages into the building
4. Hand sanitizer, gloves, and disinfectant wipes are available for staff to use on their workstations, work vehicles, incoming packages, and other items
5. Staff are reminded to abide by other recommendations from the CDC and SMC Health, including washing hands frequently, not touching your face and staying home when sick
6. This plan will remain in effect until further notice or changes in orders from the County Public Health Officer or the Governor's office

RESOLUTION NO. 19/20-18

**A RESOLUTION OF THE CROCKETT COMMUNITY SERVICES DISTRICT
DESIGNATING AN ALTERNATE REGULAR MEETING LOCATION AND
AUTHORIZING THE CROCKETT COMMUNITY CENTER
FOR POSSIBLE USE AS AN “ALTERNATE CARE SITE”**

WHEREAS, the Crockett Community Services District ("District") is an independent special district and the meetings of its legislative body are open and public in compliance with the legal requirements of the Ralph M. Brown Act (Government Code § 54950 et seq.); and

WHEREAS, due to the coronavirus pandemic, we are in a state of emergency, as established by the Governor on March 4, 2020 via Proclamation, and by the Contra Costa County Board of Supervisors on March 10, 2020, via Resolution; and

WHEREAS, on March 16, 2020, the Contra Costa County Public Health Officer issued a shelter in place order which affects the District's entire service area and requires alterations to the District's normal business practices; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20 directing all individuals living in the State of California to stay home or at their place of residence, except as to maintain continuity of operations of specified critical infrastructure; and

WHEREAS, the Governor identified a list of Essential Critical Infrastructure Workers to help state, local, tribal and industry partners as they work to protect communities. This list includes critical government workers and identifies sanitary operations workers management, and other service providers as necessary to maintain wastewater health and safety; and

WHEREAS, on March 17, 2020, the General Manager implemented certain rules and orders establishing alternative staffing levels, temporarily closing District facilities to the public, and altering the public services provided in order to ensure social distancing and protect the life and property of the District, its employees, and the residents of Crockett and Port Costa; and

WHEREAS, on April 1, 2020, the Board promulgated the rules and orders implemented by the General Manger, adopting by Urgent Ordinance the District's CCSD COVID-19 Plan; and

WHEREAS, it is necessary to continue to have meetings of the various legislative bodies of the District in order to maintain the critical public health and safety services and operations provided; and

WHEREAS, Section 54954(a) of the Brown Act requires that the District specify its regular meeting time and place by ordinance, resolution or bylaws; and

WHEREAS, the District's regular meeting place has been established as the Crockett Community Center in Crockett by District Code Section 2.04.040, and

4.b.

WHEREAS, Government Code section 54954(e) allows the Board President to designate an alternate location for the meetings to take place if, due to an emergency, it is unsafe to meet in the designated location; and

WHEREAS, on March 17, 2020, the Governor issued Executive Order N-29-20 which authorized meetings of local legislative bodies to be held by teleconference or other electronic means as long as notice is provided to the public and the meeting is made accessible in specified ways to allow the public to observe and participate; and

WHEREAS, it is the intent of the Board for it and its other legislative bodies to continue to hold meetings in order to receive information, provide direction, and make decisions on behalf of the District while still complying with social distancing requirements during the pendency of this pandemic; and

WHEREAS, the Board has shown interest in and Contra Costa County has been exploring and preparing “alternate care sites,” facilities to care for people with less complicated medical needs, which could provide community members a safe place to receive care if a surge of people with COVID-19 overwhelm traditional health care facilities.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the Crockett Community Services District, that:

1. The above referenced recitals are true and correct and material to the adoption of this Declaration.
2. The District offices and Crockett Community Center at 850 Pomona Avenue, Crockett shall be temporarily closed to the public.
3. The Crockett Community Center is authorized for possible use as an “alternate care site”, if approved by the General Manager, and deemed necessary by Contra Costa Health Services who will also be responsible for identifying staff and bringing in necessary equipment and supplies.
4. The regular meetings of the Board, and any and all other meetings of the District's legislative bodies that are subject to the Brown Act, may be held via teleconference or other electronic means, in the manner set forth in the sample agenda notice attached to this Resolution, which may be updated, from time to time, in the actual agenda notice for the meeting of the legislative body.
5. All members of the public seeking to observe and/or to address the local legislative body may participate in the meeting telephonically or otherwise electronically in the manner set forth in the sample agenda notice attached to this Declaration, which may be updated, from time to time, in the actual agenda notice for the meeting of the legislative body.
6. This Declaration shall take effect immediately and shall remain in effect only during the period in which state or local public health officials have imposed or recommended social distancing measures.

This Declaration is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the Crockett Community Services District, its departments, officers, employees, contractors, or any other person.

PASSED AND ADOPTED by the Board of Directors of the Crockett Community Services District on _____, by the following roll call votes:

AYES:

NOES:

ABSENT:

ABSTAINED:

President, Board of Directors
of the Crockett Community Services District

ATTEST:

Board Secretary of the
Crockett Community Services District

3503895.1

CROCKETT COMMUNITY SERVICES DISTRICT

P.O. Box 578 - Crockett, CA 94525
850 Pomona Street
Telephone (510) 787-2992
Fax (510) 787-2459
e-mail: manager@town.crockett.ca.us
website: www.town.crockett.ca.us

Crockett Community Services District Teleconference / Electronic Meeting Protocols (Drafted March 30, 2020)

The guidance below provides useful information for accessing CCSD meetings remotely and establishing protocols for productive meetings.

BOARD, COMMISSION, AND COMMITTEE MEMBERS:

- **Attendance.** Board, Committee, and Committee Members should attend District meetings remotely from their homes, offices, or an alternative off-site location. As per the Governor’s updated Executive Order N-29-20, there is no longer a requirement to post agendas at or identify the address of these locations.
- **Agendas.** Agenda packages will be made available on the District’s website. They will also be sent by email to all Trustees. Note that under the circumstances, District staff may not be able to send paper packets.
- **Trustee Participation.** Meeting Chair(s) will recognize individual Board Members, Commissioners, or Committee Members and unmute their device so that comments may be heard or will read comments if they are provided in writing only.

Regular meetings of the Board and Commissions are recurring and as such the teleconference Zoom meeting links and Meeting ID#s will be the same for each respective Board or Commission. Special and Committee meeting Zoom links and Meeting ID#s will vary and will be posted on the agenda.

| | | |
|--------------------------------|---|-------------------------|
| Recreation Commission | https://zoom.us/j/842738244 | Meeting ID# 842 738 244 |
| Port Costa Sanitary Commission | https://zoom.us/j/820843868 | Meeting ID# 820 843 868 |
| Crockett Sanitary Commission | https://zoom.us/j/245517801 | Meeting ID# 245 517 801 |
| District Board | https://zoom.us/j/197850938 | Meeting ID# 197 850 938 |

PUBLIC PARTICIPATION:

- **Attendance.** The District’s office will remain closed to the public until further notice. Members of the public will be able to hear and/or see public meetings via phone, computer or smart device. Information about how to observe the meeting is listed on the agenda of each meeting.
- **Agendas.** Agendas will be made available on the District’s website and to any members of the public who have a standing request, as provided for in the Brown Act.
- **Public Participation.** The public can observe and participate in a meeting as follows:

HOW TO OBSERVE THE MEETING:

- **Telephone:** Listen to the meeting live by calling Zoom at (669) 900-9128. Enter the 9-digit Meeting ID# found on the agenda followed by the pound (#) key. More phone numbers can be found on Zoom's website at <https://zoom.us/u/abb4GNs5xM> if the line is busy.
- **Computer:** Watch the live streaming of the meeting from a computer by navigating to Zoom invite link (*see above for regular meeting links*) using a computer with internet access that meets Zoom's system requirements (see <https://support.zoom.us/hc/en-us/articles/201362023-System-Requirements-for-PC-Mac-and-Linux>)
- **Mobile:** Log in through the Zoom mobile app on a smartphone and enter Meeting ID#.

HOW TO SUBMIT PUBLIC COMMENTS:

- **Before the Meeting:** Please email your comments to manager@town.crockett.ca.us, write "*Public Comment*" in the subject line. In the body of the email, include the agenda item number and title, as well as your comments. If you would like your comment to be read aloud at the meeting (not to exceed three minutes at staff's cadence), prominently write "*Read Aloud at Meeting*" at the top of the email. All comments received before 3:00 PM the day of the meeting will be included as an agenda supplement on the District's website under the relevant meeting date and provided to the Directors at the meeting. Comments received after this time will be treated as telephonic/electronic comments.
- **Contemporaneous Comments:** During the meeting, the Board President or designee will announce the opportunity to make public comments and identify the cut off time for submission. The public can speak up at that time or use the Zoom chat feature to indicate they want to make a public comment. If needed, a short recess (generally less than 10 minutes) will take place during the time public comment is open to allow the comments to be collected. Use Zoom chat or email your comments to manager@town.crockett.ca.us, write "*Public Comment*" in the subject line. In the body of the email, include the agenda item number and title, as well as your comments. Once the public comment period is closed, all submitted comments timely received will be read aloud. Comments received after the close of the public comment period will be added to the record after the meeting.

FOR ALL PARTICIPANTS:

- **Get Connected:** Please download Zoom application for your device and familiarize yourself with how to utilize this tool. There is no cost for using the application.
- **Ensure Quiet.** Please mute all devices when not speaking during the meeting. Please make every effort to find a location with limited ambient noise. Please turn off the ringer on your phone and other notification sounds on your devices to reduce interruptions.

We anticipate that this process of moving to remote meetings will likely include some challenges and hope that all will bear with us as we navigate this process.

-- END OF MEMO --

CROCKETT COMMUNITY SERVICES DISTRICT

Regular/Special Business Meeting
AGENDA FOR [DAY], [MONTH DATE], 2020

TIME: 7:00 PM

PLACE: ** TELECONFERENCE - SEE BELOW **

IMPORANT NOTICE REGARDING COVID -19 AND TELECONFERENCED MEETINGS:

Based on the mandates by the Governor in *Executive Order 33-20* and the County Public Health Officer to shelter in place and the guidance from the CDC, to minimize the spread of the coronavirus, please note the following changes to the District's ordinary meeting procedures:

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1. CALL TO ORDER – ROLL CALL
2. CALL FOR REQUESTS TO CONSIDER ITEMS OUT OF ORDER
3. PUBLIC COMMENTS ON NON-AGENDA ITEMS:
(The Board is prohibited from discussing items not on this agenda. Matters brought up that are not on the agenda may be referred to staff for action or calendared on a future agenda.)
4. ADMINISTRATIVE:
5. REPORTS FROM BOARD MEMBERS:
6. FUTURE AGENDA ITEMS:
7. ADJOURNMENT to [DATE], 2020

You will find the Minutes of this meeting posted on our website at www.town.crockett.ca.us
Visit our website for more information on meetings and activities of the Crockett Community Services District and the towns of Crockett and Port Costa on the picturesque Carquinez Strait of the San Francisco Bay.

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CROCKETT COMMUNITY SERVICES DISTRICT

P.O. Box 578 - Crockett, CA 94525
850 Pomona Street
Telephone (510) 787-2992
Fax (510) 787-2459
e-mail: manager@town.crockett.ca.us
website: www.town.crockett.ca.us

TO: Board of Directors

FROM: General Manager

SUBJECT: Families First Coronavirus Response Act (FFCRA) Paid Sick Leave and Expanded Leave

DATE: April 1, 2020

The *Families First Coronavirus Response Act* (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

The District has a *Sick Leave Policy* as part of its *Personnel Policy & Procedures* originally adopted in 2014 and last revised in 2017 by Resolution No. 17/18-13. The FFCRA requires that the policy be updated to add *Emergency Paid Sick Leave*.

The District does not have a *Family and Medical Care Leave* (FMLA) policy as it was not required by law to have one. Management has allowed staff to use Sick Leave to care for relatives in the same household if requested by the employee. The FFCRA may require, but does not appear likely, that a *Family and Medical Care Leave* policy be created as there is indication that the FMLA provisions will not apply to smaller public agencies such as our District. Below are some of the ongoing discussions on the topic, first from Meyers Nave and second from Liebert Cassidy Whitmore.

Meyers Nave Communication

Public agencies are covered under both provisions (*Paid Emergency Sick Leave and Emergency FMLA*), although it's currently unclear whether public agencies under 50 employees are exempt under the Emergency FMLA. **Under the Emergency Sick Leave, Crockett would not be exempt.** The Act specifically states, that a public agency is a covered employer and "in the case of a public agency or any other entity that is not a private entity or individual, employs 1 or more employees."

1) First, the question of whether the *Emergency/Expanded FMLA* applies to small (under 50 employees) may be answered by upcoming regulations. Initially, we believed it included small employers. However, two days ago the Department of Labor sent out a facts sheet. Under the covered employers heading, the DOL provided that "the paid sick leave and expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees.[4]" Footnote 4, stated Certain provisions may not apply to certain employers with fewer than 50 employees. See Department FFCRA regulations (expected April 2020)." Thus, we will

find out likely soon whether the FFCRA applies to small public employers. The link to the DOL Fact Sheet is here: <https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>

2) Second and maybe the more important threshold question is whether healthy employees subject to self-isolation or Shelter In Place (“SIP”) preventative orders qualify for Emergency Paid Sick Leave under the new Families First Coronavirus Response Act, as opposed to only those who are subject to government orders because they have been exposed to the virus.

The Act is silent on the issue. Section 5102(a)(1) of the Act states in relevant part, with respect to the qualifying criteria, “an employer shall provide to each employee employed by the employer paid sick time to the extent that the employee is unable to work (or telework) due to a need for leave because: (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.”

On (March 26) the Department of Labor (“DOL”) added to their FAQ list. Although the FAQs do not address this issue directly, The FAQs do distinguish employers who “close your worksite for lack of business or because it is required to close pursuant to a Federal, State, or local directive.” The apparent reference to SIP orders as “Federal, State or local **directives**” distinct from qualifying government “**quarantine or isolation orders**” strongly suggests that the DOL will view employees who could not work because of compliance with SIP orders as **not entitled to Emergency Sick Leave under FFCRA**. For example:

FAQ 23. If my employer closed my worksite before April 1, 2020 (the effective date of the FFCRA), can I still get paid sick leave or expanded family and medical leave?

No. If, prior to the FFCRA’s effective date, your employer sent you home and stops paying you because it does not have work for you to do, you will not get paid sick leave or expanded family and medical leave but you may be eligible for unemployment insurance benefits. **This is true whether your employer closes your worksite for lack of business or because it is required to close pursuant to a Federal, State, or local directive.** You should contact your State workforce agency or State unemployment insurance office for specific questions about your eligibility.

FAQ 27: If my employer closes my worksite on or after April 1, 2020 (the effective date of the FFCRA), but tells me that it will reopen at some time in the future, can I receive paid sick leave or expanded family and medical leave?

No, not while your worksite is closed. If your employer closes your worksite, even for a short period of time, you are not entitled to take paid sick leave or expanded family and medical leave. However, you may be eligible for unemployment insurance benefits. **This is true whether your employer closes your worksite for lack of business or because it was required to close pursuant to a Federal,**

State, or local directive. You should contact your State workforce agency or State unemployment insurance office for specific questions about your eligibility.

FAQ 28. If my employer reduces my scheduled work hours, can I use paid sick leave or expanded family and medical leave for the hours that I am no longer scheduled to work?

No. If your employer reduces your work hours because it does not have work for you to perform, you may not use paid sick leave or expanded family and medical leave for the hours that you are no longer scheduled to work. This is because you are not prevented from working those hours due to a COVID-19 qualifying reason, even if your reduction in hours was somehow related to COVID-19.”

Although there is nothing from the DOL specifically disqualifying SIP orders from coverage, the language above seems to indicate that Emergency Paid Sick Leave will not be available to those covered by Shelter-In-Place and business closure orders at the state and local level (though employees whose child’s school or childcare is unavailable would still be eligible for those reasons). Again, the DOL has not defined “quarantine” or “isolation” nor has it discussed whether Shelter and Place orders are quarantine or isolation orders. But the FAQ issued late yesterday now indicate that Emergency Paid Sick Leave will not be available to the majority of California employees who have been prohibited from working due to SIP self-isolation orders, absent a showing that such employees have been exposed to COVID 19.

For your reference here is the link to the updated Department of Labor FAQs <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

Meyers Nave are advising clients of this ambiguity and legal question at this time. We are monitoring the Department of Labor website for any new guidance or regulations, and will advise if any is forthcoming, or we are able to provide more specific advice sooner

Liebert Cassidy Whitmore Commentary

Emergency Paid Sick Leave: On March 18, 2020, the Families First Coronavirus Response Act was signed into law. Among other things, the Act provided for 80 hours of paid leave for coronavirus related reasons. The reasons are specified in the Act. At this time, it is not clear whether employers who have leave policies that provide 80 hours of leave must provide an additional 80 hours of paid leave. We are waiting for the Department of Labor to address the question of whether the use of Emergency Paid Sick leave is a separate entitlement which does not require employees to concurrently use their existing sick leave accruals. For now, we believe that it is indeed a separate entitlement. The leave can only be used for the specified reasons, it does not accrue, and cannot be carried over. The agency may elect to exclude leave for any health care provider or emergency responder. The leave is only available through December 31, 2020. The leave is protected and employers may not discharge, discipline, or discriminate against employees who take the leave or who file any complaint or institute proceedings under the act.

Emergency Paid Sick Leave: The Families First Coronavirus Response Act was silent on whether employees may supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay. Although silent, we believe as currently written, employees likely have the right to use accrued paid leave to supplement their pay. If the Department of Labor addresses this more clearly, the policy can be updated.

ACTION

Staff is recommending that the Board approve the following draft policy on **Emergency Paid Sick Leave** while awaiting final guidance or regulations on the Families First Coronavirus Response Act (FFCRA). The draft policy will allow management to adhere to the FFCRA while final Emergency Paid Sick Leave policy is incorporated into the District’s Sick Leave policy, to be adopted by the District Board at a later date.

Staff is recommending no action on **Emergency Family and Medical Leave Expansion Act** at this time. It can be revisited if new Department of Labor guidance or regulations are released.

POLICY AMMENDING SICK LEAVE POLICY OF THE CROCKETT CSD

DRAFT 4/1/2020

EMERGENCY PAID SICK LEAVE

Purposes for Sick Leave

From April 1, 2020 through December 31, 2020, employees can take Emergency Paid Sick Leave as follows:

- (a) Employees are entitled to Emergency Paid Sick Leave at their regular rate of pay if they are unable to work or telework for the following reasons:
 - (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
 - (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
 - (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- (b) Employees are entitled to Emergency Paid Sick Leave at two-thirds of the employee's regular rate of pay if they are unable to work or telework because:
 - (1) The employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or been advised by a health care provider to self-quarantine due to concerns related to COVID-19 order as described in subparagraph (1) or has been advised as described in paragraph (2) of subsection (a), above.
 - (2) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.
 - (3) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Sick Leave Use

- (a) Emergency Paid Sick Leave:
 - (1) Leave taken as Emergency Paid Leave is in addition to any other leave accrued and does not accrue beyond 80 hours. Unused leave does not carryover for any employees.
 - (2) Emergency Paid Sick Leave is subject to the following caps:

i. \$511/Day and \$5,110 in the Aggregate for the Following Employee-Related COVID-19 Absence Reasons

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

ii. \$200/Day and \$2,000 in the Aggregate for the Following Reasons Related to the Employee Taking Leave to Care for an Individual or Son or Daughter

1. The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).
2. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.
3. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor

(3) Employees may supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay.

(4) The [Agency] may deny this leave to any health care provider or emergency responder.

Protected Sick Leave Use

Emergency Paid Leave described under Sick Leave Use section is protected when used for the reasons specified in section.

Certification

An employee using Emergency Paid Sick Leave must certify the reason for the leave.

Sick Leave Reinstatement

Unused Emergency Paid Sick Leave will not be reinstated after December 31, 2020.

DRAFT LANGUAGE REQUIRED BY FFCRA IF DISTRICT IS REQUIRED TO IMPLEMENT
EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT

DRAFT 4/1/2020

Staff recommends no action on this language until the question on whether public agencies with less than 50 employees are required to implement this aspect of the FFCRA. Information being provided for discussion only.

Emergency Family and Medical Leave Expansion Act

(a) Eligibility

Employees are eligible for up to 12 weeks of job-protected Public Health Emergency Leave if the following requirements are met:

- (1) The employee has worked for the [Agency] for at least 30 calendar days, (FMLA Sec. 110(a)(1)(A);
- (2) The employee is unable to work (or telework) due to a need to care for the son or daughter (under 18 years of age) who's school or place of care has been closed, or who's child care provider is unavailable due to a COVID-19 emergency declared by either a Federal, State, or local authority, (FMLA Sec. 110(a)(2)(A) & (B)); and
- (3) The employee provided reasonable notice of the need for the leave.
- (4) Protected Health Emergency Leave is a form of FMLA leave and is not in addition to any other FMLA leave.

(b) Paid Leave

The first 10 days of Emergency Family Medical Leave may consist of unpaid leave unless the employee elects to utilize accumulated leaves, including Emergency Paid Sick Leave in section 804.1 above. For the remaining 10 weeks, an employee is entitled to paid leave at two-thirds of the employee's regular rate of pay. (FMLA Sec. 110(b).) However, paid leave is subject to a cap of \$200 per day and \$10,000 total.

(c) Restoration to Prior Position

Employees out on Emergency Family and Medical Leave are entitled to reinstatement to their prior position unless the position held by the employee does not exist due to economic conditions or other changes in operating conditions caused by a public health emergency during the period of leave. (FMLA Sec. 110(d).)

If the [Agency] is unable to restore the employee to an equivalent position to the employee's prior position, the [Agency] will notify the employee if an equivalent position becomes available within 1-year of either, the date the public health emergency concludes or date which is 12 weeks after the employee started their Emergency Family and Medical Leave, (which ever date is earlier). Notification shall be by regular mail to the employees address on file.

(d) Expiration

The provision of this section shall expire on December 31, 2020 or when the Emergency Family and Medical Leave Expansion Act is no longer effective.

- (e) Employees shall request leave as soon as practicable and shall certify the need for leave in writing at the time of the request.
- (f) The Crockett Community Services District may deny this leave to any employee who is a health care provider or emergency responder.

CROCKETT COMMUNITY SERVICES DISTRICT

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TO: Board of Directors
FROM: General Manager
SUBJECT: FEMA COVID-19 Disaster Recovery
DATE: March 31, 2020

At the last Board Meeting of March 25, the Board received information on the ongoing Coronavirus pandemic. One item discussed was the possible ability to recover damages related to the declared national emergency by pursuing a FEMA grant. From experience the FEMA grant process can be complex, and staff recommend contracting out the filing and management of claims by the District.

The District has an agreement in place with Regional Governmental Services (RGS) which includes a line in the current scope of services which permits the District to identify other projects for RGS. There is no need to formally amend our contract – but it is prudent to document the District’s request for a new project especially because it relates to FEMA which requires clear documentation for permitted reimbursement. Attached is a Proposed Scope of Services order by the District to RGS.

In addition, District staff has been in contact with Contra Costa County Office of Emergency Services (OES) and has been informed that the County’s Declaration of Emergency covers unincorporated communities such as Crockett and Port Costa. An Initial Damage Estimate (IDE) Form has been completed identifying the loss of revenue by the Crockett Recreation Department caused by the closure of the recreation facilities due to shelter-in-place order as potentially being reimbursable under the Public Assistance (PA) Damages - CAT B: Emergency Protective Measures section of the FEMA grant.

ACTION

Approve *Proposed Scope of Services* order by the District to RGS to guide and advise District through every step of the FEMA/CalOES Public Assistance process, including administering Public Assistance Program on behalf of District, and program closeout.

Receive RGS COVID-19 Pandemic Cost Recovery Guidance document dated March 17, 2020.

Order by the Crockett Community Services District (“DISTRICT”) to Regional Governmental Services (“RGS) identifying new project under our existing Agreement.

PROPOSED SCOPE OF SERVICES:

General COVID-19 pandemic Overall Task:

- RRG to guide and advise DISTRICT through every step of the FEMA/CalOES Public Assistance process, including administering Public Assistance Program on behalf of District, and program closeout. May assist District in a variety of COVID-19 response efforts

COVID-19 pandemic Subtasks but not limited to:

- Assist DISTRICT with documenting information through the FEMA Grants Portal
- Assist DISTRICT to document emergency protective measures directly related to the impacts caused by the COVID-19 Event
- Assist DISTRICT to document permanent facility damages directly related to the impacts caused by the COVID-19 event
- Assist DISTRICT to complete online forms in Grants Portal – Small Project EZ forms & large projects
- Work with Cal OES and FEMA officials to identify issues that may require PW processing or payment assistance
- Work with the DISTRICT to assemble necessary documentation and resolve any issues necessary to support PW processing and payment
- Assist DISTRICT in planning, organizing and presenting remote public facing meetings

Dale McDonald, General Manager
Crockett Community Services District

Date

COVID-19 PANDEMIC: COST RECOVERY GUIDANCE

March 17, 2020

The guidance below provides a general description of what is typically needed to obtain FEMA grant assistance. Please note that TODAY, March 17, 2020 FEMA posted the attached memo and factsheet on procurement process for COVID19 response. The process outlined deviates from the "normal" FEMA disaster procurement policy. PLEASE be aware of these modifications. Administrative adjustment to existing procurement policies to incorporate COVID19 situations may be needed. Discuss with your attorney and issue a memo similar to the attached to your finance/ purchasing group(s). REMEMBER: PROPER DOCUMENTATION IS KEY to survive an audit and recover funds.

Background

On March 13, 2020, the President issued a federal emergency declaration for the ongoing Coronavirus Pandemic (COVID-19). All states, tribes, territories, and the District of Columbia are designated under this declaration. Pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act") State, Territorial, Tribal, local government entities and certain private non-profit (PNP) organizations are eligible to apply for assistance under the Federal Emergency Management Agency (FEMA) Public Assistance(PA) Program. FEMA funding cannot duplicate any assistance provided by the Department of Health and Human Services (HHS), including the Centers for Disease Control and Prevention, or other federal agencies. This includes necessary emergency protective measures for activities taken in response to the COVID-19 incident. At this moment in time, FEMA assistance will be provided at the 75 percent Federal cost share.

Public Assistance Program – Emergency Protective Measures (Category B)

Through the PA Program, FEMA provides supplemental Federal disaster grant assistance to eligible entities and certain PNP's. As a requirement for receiving grant assistance, eligible entities are required to provide supporting documentation for all expenses. This supporting documentation must be able to withstand a FEMA audit.

Eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials' may be reimbursed under Category B of the PA Program.

Eligible work activities will continue to evolve but are currently limited to activities within Category B, Emergency Protective Measures. The following activities taken in response to the COVID-19 pandemic may be eligible for FEMA funding:

- Activation of any State Agency/Local Emergency Operations Center
- Purchase and distribution of consumable supplies (food, ice, water, medicine, etc.)
- Management, control and reduction of public health and safety threats
- Movement of supplies and persons

- Security forces, barricades and fencing, and warning devices
- Emergency medical care to disaster victims at a Temporary Medical Facility or Shelter
- Temporary medical facility and/or congregate shelter
- Communicating health and safety information to the public
- Technical assistance on disaster management and control to State/local governments
- Location and recovery of individuals requiring assistance (Search and rescue)
- Locating, recovering, storing, interning of human remains
- Mass Mortuary Services
- Unless funded by another federal authority; Recovery/disposal of animal carcasses

NOTE: Only overtime pay for regular employee's may be eligible for reimbursement.

The response to this pandemic is evolving quickly, it is possible that FEMA allows additional activities as eligible. Keep track of all expenses that are associated with responding to the COVID-19. These activities could entail expenses associated with additional sanitization of facilities, re-tooling employees for telework, replenishing materials stockpiles etc.

Applying for Assistance

Follow directions provided through the state Office of Emergency Services.

Be prepared to apply for grants directly into the FEMA electronic Grants Portal and to upload all supporting documentation from virtual/telework sites.

How to Document Costs

To give an idea of the kinds of records that are required, FEMA created Summary Forms showing the types of information that is required to document costs (see attached). While these forms can be used to document costs, local governments could use their existing cost accounting systems if it details all items on the FEMA forms.

What to Document

Short answer, everything done in response to the pandemic. At a minimum, the following should be documented:

Force Account Labor

- Document hours and dates worked, employee names and titles and fringe benefits. Support documentation includes:
 - Time sheets or payroll generated reports
 - Description and location of work performed
 - Overtime/Comp time/Holiday pay policies

Force Account Equipment

- Document hours and dates worked and operator names. Support documentation includes:
 - Vehicle usage logs
 - Use local or FEMA rates, whichever is lower. (FEMA rates include fuel, maintenance, etc.)
 - In most instances, equipment hours should not exceed labor hours

Force Account Materials

- Document materials used/purchased. Support documentation includes:
 - From stock, invoice or historical record to support the claimed cost
 - If purchased, invoice and proof of payment

Rented Equipment

- Document hours and dates used; if rented weekly or monthly, FEMA will pro-rate hourly rate based on actual usage and total cost. Supporting documentation includes:
 - Invoices and proof payment
 - Rental agreement
 - Fuel costs
- If equipment was rented without an operator, include your operator hours with force account labor costs

Contractual Services

- Document procurement process and payments. Supporting documentation includes:
 - Local procurement policy(s)
 - For procurements in excess of the sealed bid threshold, a cost or price analysis completed prior to procurement process
 - History of procurement: Document the method used, and the process used to select the contractor (see Contracting tab for additional information)
 - Copy of contractor proposal(s): Bid tabulation or estimates
 - Awarding the contract: Resolution or meeting minutes
 - Copy of signed contract, change orders
 - Copy of invoices
 - Proof of payment: Canceled check or purchase order
- If Time and Materials or Time and Equipment contract, proof of monitoring and source documentation for contractor's invoices. Source documentation includes timecards, lodging and meal receipts, printing receipts, etc.

Below is an explanation of what should be maintained for support documentation depending on the type of work being completed:

Direct administrative and Management Costs

These are costs related to administration of the grant. Grant administration can be accomplished through force account or by contract. (Specific guidelines attached. NOTE that the State is the grant "recipient" and local governments are grant "subrecipients".)

Donated Resources

- Track donated resources /registered volunteers performing emergency work
- Documentation must include names, record of hours and dates worked, the work site and a description of work for each volunteer and the equivalent information for donated equipment and materials

FEMA will write a project based on a calculation of your total emergency work projects to offset local share.

Mutual Aid

- In a timely manner, Providing Entities should invoice or bill the Requesting Entity as outlined in the Mutual Aid Agreement. The Requesting Entity will submit requests for reimbursement to FEMA.
- FEMA will need to see the pre-event written mutual aid agreement
- FEMA may consider written, post-event mutual aid agreements

Other Supporting Documentation

The following will need to be submitted regardless of its applicability to an incident.


- Insurance Policy
- Insurance Statement (Covered items during event/Denial Letter)
- Procurement Policy
- Pay Policy




FEMA

March 17, 2020

MEMORANDUM FOR: All States, Territories, Tribal Governments, Local Governments, and All Other Non-Federal Entities Receiving FEMA Financial Assistance

FROM: David Bibo 
Acting Associate Administrator
Office of Response and Recovery

Bridget E. Bean 
Assistant Administrator
Grant Programs Directorate

SUBJECT: Procurement Under Grants Conducted Under Emergency or Exigent Circumstances for COVID-19

Subsequent to the President's March 13, 2020 Nationwide Emergency Declaration for Coronavirus Disease 2019 (COVID-19), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) is issuing the attached Fact Sheet addressing procurements made during periods of exigent or emergency circumstances. FEMA recognizes that noncompetitive procurements may be necessary to save lives, to protect property and public health, and to ensure public safety, as well as to lessen or avert the threat of a catastrophe. The attached Fact Sheet provides answers and guidance surrounding the need for such measures.

Current Federal procurement standards (found at 2 C.F.R. § 200.320(f)(2)) allow non-state entities to noncompetitively procure contracts (i.e., sole-sourcing) under certain emergency or exigent circumstances. FEMA defines an emergency or exigent circumstances as unexpected and unusually dangerous situations requiring immediate action or an urgent need for assistance or relief. Emergencies typically involve a threat to life, public health or safety, improved property, or some other form of dangerous situation. Exigencies, on the other hand, typically involve an urgent need to avoid, prevent, or alleviate serious harm or injury, financial or otherwise. Under both an emergency and exigency, using a competitive procurement process would prevent a non-state entity from taking immediate action required to address the situation. However, use of the emergency/exigency exception is only permissible during the actual emergency or exigent circumstances.

The President's unprecedented Nationwide Emergency Declaration, and the Secretary of Health and Human Services' (HHS) declaration of a Public Health Emergency for COVID-19 establish that exigent and emergency circumstances currently exist.

[For the duration of the Public Health Emergency](#), which began January 27, 2020 as determined by HHS, local governments, tribal governments, nonprofits, and other non-state entities may proceed with new and existing noncompetitively procured contracts in order to protect property and public health and safety, or to lessen or avert the threats created by emergency situations for 1) Emergency protective measures under FEMA's Public Assistance Program and 2) Use of FEMA non-disaster grant funds by non-state recipients and sub-recipients to respond to or address COVID-19.

Attachment:

(1) Fact Sheet: *Procurement Under Grants Conducted Under Exigent or Emergency Circumstances*



Procurement Under Grants Conducted Under Exigent or Emergency Circumstances

The Federal Emergency Management Agency (FEMA) provides financial assistance to states, territories, tribes, local governments, nonprofits, institutions of higher education, and other non-Federal entities. All FEMA grant programs are subject to the Federal procurement standards found at 2 C.F.R. §§ 200.317 – 200.326. Recognizing that FEMA’s recipients and subrecipients may face exigencies or emergencies when carrying out a FEMA award, this Fact Sheet provides key information to consider when utilizing contracted resources under exigent or emergency circumstances.

What Rules Apply to State Entities?

States are required to follow their own procurement procedures as well as the Federal requirements for procurement of recovered materials and inclusion of required contract provisions per 2 C.F.R. §§ 200.317, 200.322, and 200.326.

For purposes of the Federal procurement requirements, states are defined as the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of Northern Mariana Islands, and any agency or instrumentality thereof except for local governments. Tribal governments are not considered to be states when applying Federal procurement standards required by 2 C.F.R. Part 200.

What Rules Apply to Non-State Entities?

For all other types of entities, referred to as “non-state entities” in this Fact Sheet, Federal regulations (2 C.F.R. Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) establish requirements for the exigency or emergency exception that permits the use of noncompetitive procurements, frequently referred to as “sole-source contracting.” This exception and associated procurement requirements are discussed further below. In general, it will be fact-specific and entity-specific as to when exigent or emergency circumstances necessitate the use of noncompetitive procurements. The answers to the frequently asked questions below provide additional guidance on the acceptable use of noncompetitive proposals under exigent or emergency circumstances, which is described in regulation at 2 C.F.R. § 200.320(f)(2).

It is essential that all non-state entities understand that both FEMA and the U.S. Department of Homeland Security’s Office of Inspector General (OIG) closely review procurement actions and contract selections, with a particular emphasis on noncompetitive procurement actions, to evaluate compliance with Federal requirements. ***Failure to follow Federal contracting and procurement requirements puts non-state entities at risk of not receiving reimbursement or not being able to use FEMA grant funds for otherwise eligible costs.***

What is the exigency or emergency exception?

Non-state entities must follow the procurement requirements found at 2 C.F.R. §§ 200.317 – 200.326. However, Federal regulations allow for noncompetitive procurements under certain circumstances, including when a non-state entity determines that immediate actions required to address the public exigency or emergency cannot be delayed by a competitive solicitation. This represents an exception to requirements for full and open competition. FEMA approval is not required for use of noncompetitive

procurements under the emergency or exigency exception; however, the non-state entity must document its justification for using noncompetitive procurements and must still comply with other procurement requirements and ensure that costs are reasonable.

When referring to procurement activity, FEMA defines both exigency and emergency as situations that demand immediate aid or action. The difference between the two is that:

- In the case of an **exigency**, there is a need to avoid, prevent, or alleviate serious harm or injury, financial or otherwise, to the non-state entity, and use of competitive procurement proposals would prevent the urgent action required to address the situation. Thus, a noncompetitive procurement may be appropriate.
- In the case of an **emergency**, a threat to life, public health or safety, or improved property requires immediate action to alleviate the threat.

While emergency conditions generally are short-lived, exigent circumstances can exist for a period of weeks or months.

Exigency Example: A tornado impacts a city in June and causes widespread and catastrophic damage, including damage to a city school. The city wants to repair the school and have it ready for use by the beginning of the school year in September. The city estimates, based on past experience, that awarding a contract using a sealed bidding process would require at least 90 days, and the city's engineer estimates that the repair work would last another 60 days. This would extend the project beyond the beginning of the school year. Rather than conducting a sealed bidding process, the city—in compliance with state and local law—wants to sole source with a contractor it has contracted with previously. The city can demonstrate that this constitutes an “exigent circumstance” because use of a sealed bidding process would cause an unacceptable delay and thus procurement by noncompetitive methods was necessary based on the particular situation.

Emergency Example #1 (Disaster Grants): Severe weather impacts a city and causes widespread and catastrophic damage, including loss of life, widespread flooding, loss of power, damage to public and private structures, and millions of cubic yards of debris across the city, leaving almost the entire jurisdiction inaccessible. The city needs to begin debris removal activities immediately to restore access to the community, support search and rescue operations, power restoration, and address health and safety concerns. Under these circumstances, the city may find it necessary to award noncompetitive contracts to address threats to life, property, and public health.

Emergency Example #2 (Non-Disaster Grants): The weather in a city has been below freezing for the past 2 weeks, causing a pipe in the city's emergency operations center to burst and flood the first floor. This flood destroyed half of the city's radios that its emergency workers use to communicate with police and fire personnel. The city documented and demonstrated that it needed to replace these radios right away to avert an immediate threat to life, safety, or property as the city needed a full supply of radios in order to respond to emergencies. Under these circumstances, the city may find it necessary to award noncompetitive contracts to address threats to life, property, and public health.

When does the exigency or emergency exception apply and for how long?

Use of the public exigency or emergency exception *is only permissible during the actual exigent or emergency circumstances*. Exigency or emergency circumstances will vary for each incident, making it difficult to determine in advance or assign a particular time frame when noncompetitive procurements may be warranted. Exigent or emergency circumstances may exist for two days, two weeks, two months, or even longer in some cases. Non-state entities must ensure that work performed under the noncompetitively procured contracts is specifically related to the exigent or emergency circumstance in

effect at the time of procurement. Importantly, because the exception to competitive procurement is available only while the exigent or emergency circumstances exist, non-state entities should, upon awarding a noncompetitive contract, immediately begin the process of competitively procuring similar goods and services in order to transition to the competitively procured contracts as soon as the exigent or emergency circumstances cease to exist.

FEMA may review a non-state entity's justification that exigent or emergency circumstances warrant an exception to competitive procurement. If the agency determines that exigent or emergency circumstances did not exist or did not preclude a non-state entity from adhering to competitive procurement requirements, FEMA may disallow all or part of the non-state entity's cost related to the contract or take other actions permitted by statute and regulation. (*See* 2 C.F.R. § 200.338).

What documentation is required to support the use of the exigency or emergency exception?

While FEMA approval is not required for a non-state entity to use noncompetitive procurement proposals under the emergency or exigency exception, non-state entities must document and provide justification for the use of the exigent or emergency exception. A list of elements that non-state entities may wish to include as part of their written justifications can be found at the end of this Fact Sheet. The justification must be included in the non-state entity's records for each FEMA award, subaward, or project.

Do any Federal procurement requirements apply if a non-state entity is sole-sourcing a contract under exigent or emergency circumstances?

Yes, non-state entities must comply with the following requirements even when exigent or emergency circumstances exist:

- Contracts must include the required contract clauses (2 C.F.R. § 200.326 & Appendix II) (also applicable to states).
- Contracts exceeding the Federal simplified acquisition threshold must include the Federal bonding requirements if the contract is for construction or facility improvement (2 C.F.R. § 200.325).
- Contracts must be awarded to a responsible contractor (2 C.F.R. § 200.318(h)).
- The non-state entity must complete a cost or price analysis to determine that the cost or price of the contract is fair and reasonable if the contract exceeds or is expected to exceed the Federal simplified acquisition threshold (2 C.F.R. § 200.323(a) and (b)).
- The use of cost-plus-percentage-of-cost contracting is prohibited (2 C.F.R. § 200.323(c)).
- Use of time and materials contracts must comply with 2 C.F.R. § 200.318(j).
- The non-state entity must follow documentation, oversight, and conflict of interest requirements among other general procurement requirements in 2 C.F.R. § 200.318. If a conflict of interest is unavoidable due to the exigent/emergency circumstances, the non-state entity must explain that in the procurement documentation.

What if the non-state entity wants to use a pre-awarded or pre-existing contract in an exigency or emergency and that contract does not comply with the Federal procurement requirements?

If a pre-awarded or pre-existing contract is not in compliance with the Federal procurement requirements (e.g., the contract was not fully and openly competed (*see* 2 C.F.R. §§ 200.319, 200.320), the six affirmative socioeconomic contracting steps were not completed (2 C.F.R. § 200.321), there is a conflict of interest involved (2 C.F.R. § 200.318)), it may still be possible to use the contract for the duration of the exigency or emergency. FEMA recommends that non-state entities review the list of procurement requirements above and take actions to modify pre-awarded or pre-existing contracts where applicable. In addition, non-state entities must prepare the appropriate documentation to justify the use

of a noncompetitively procured contract.

Can non-state entities use time and materials (T&M) contracts in an exigency or emergency?

Yes, but only under certain circumstances. FEMA advises against the use of T&M contracts and generally limits the use of these contracts to a short time period where the scope or duration of the work is unclear. T&M contracts do not incentivize contractors to control costs or maximize labor efficiency. FEMA may reimburse costs incurred under a T&M contract only if all of the following apply:

- No other contract was suitable;
- The contract has a ceiling price that the contractor exceeds at its own risk; and
- The non-state entity can demonstrate it provided a high degree of oversight to obtain reasonable assurance that the contractor used efficient methods and effective cost controls.

Can a non-state entity award cost-plus-a-percentage-of-cost contracts or contracts with a percentage-of construction-cost method in an exigency or emergency?

No. This prohibition applies to all work, regardless of the circumstances (2 C.F.R. § 200.323(d)).

Can non-state entities use *piggyback* contracts in an exigency or emergency?

Piggyback contracting occurs when one entity with an existing contract assigns some or all of its contractual rights to another entity that was not previously party to the contract. Generally, FEMA discourages piggyback contracts because the original contract pertains to the needs of the original entity with a specific scope of work for that entity. While there may be circumstances when piggybacking is permissible, in almost all instances, the scope of work would need to be changed to include the needs of a non-state entity, and changes to the scope of work are generally not permitted as there is not likely to be full and open competition for the expanded scope of work. However, during emergency and exigency circumstances, non-state entities may be able to piggyback another entity's contract and expand the scope of a contract for the period of the emergency or exigency circumstance.

Note that a non-state entity may choose to enter into a separate contract with the same contractor as another entity, using the same terms and conditions as in that other entity's contract, with only a change in the scope of work and the associated costs. However, this is sole-source contracting rather than piggyback contracting, and it must meet the requirements for noncompetitive procurement under exigency or emergency circumstances as described elsewhere in this Fact Sheet.

If a non-state entity is contemplating the use of piggyback contracting, it should contact its state or territory liaison, or the applicable FEMA Program Office to request FEMA assistance with contract review. For assistance with FEMA contact information, the entity should contact the Centralized Scheduling and Information Desk (CSID) help line at (800) 368-6498 or askcsid@fema.dhs.gov. CSID hours of operation are from 9 a.m. to 5 p.m. ET, Monday through Friday.

Can states use time and materials (T&M) or cost-plus-percentage-of-cost (CPPC) contracts in an exigency or emergency?

While the Federal procurement rules do not prohibit the use of T&M contracts and CPPC contracts by states, FEMA discourages states from using these contracts because they generally lack provisions that control costs and maximize efficiency in performing work. FEMA and the OIG closely scrutinize these types of contracts for cost reasonableness.

Although T&M contracts are discouraged, there may be instances where T&M contracts are appropriate in the short term for activities such as debris removal, emergency power restoration, or other immediate actions required to address emergency health and safety threats under a Public Assistance award. States

entering into T&M contracts are encouraged to include language in the contract that specifies a ceiling price and limits the duration of the contract to a short time period, thus providing the state time to develop a scope of work and transition to the more competitive procurement procedures.

As a reminder, 2 C.F.R. § 200.317 requires states to follow: (1) the same policies and procedures they use for procurements using non-Federal funds; (2) 2 C.F.R. § 200.322 (procurement of recovered materials); and (3) 2 C.F.R. § 200.326 (required contract provisions). These requirements apply regardless of whether exigency or emergency circumstances exist. States must ensure that they are also in compliance with the cost principles in 2 C.F.R. §§ 200.400 – 200.474, including ensuring that costs are reasonable, as defined in 2 C.F.R. § 200.404.

Additional Information and Resources

Non-state entities should consult as soon as possible with all appropriate parties, including their own legal counsel, to review their procurement policies, actions, and contracts and compare them to the Federal procurement requirements. Non-state entities also should contact their state or territory liaisons, or applicable FEMA Program Office to request assistance with any procurement activity concerns. For assistance with FEMA contact information, the entity should contact the Centralized Scheduling and Information Desk (CSID) help line at (800) 368-6498 or askcsid@fema.dhs.gov. CSID hours of operation are from 9 a.m. to 5 p.m. ET, Monday through Friday.

Detailed procurement and contracting information is available on the FEMA website at www.fema.gov/procurement-disaster-assistance-team. While the guidance available at that website is specifically applicable to FEMA's Public Assistance Program, it is a useful resource for FEMA's other grant programs as the procurement requirements in 2 C.F.R. Part 200 apply to all of FEMA's grant programs. The current Code of Federal Regulations referenced in this guidance can be accessed at www.eCFR.gov. The annual Code of Federal Regulations is available at <https://www.govinfo.gov/app/collection/cfr>, and the applicable regulations will be the ones in place at the time FEMA issued the declaration or made the award.

Suggested Elements for Noncompetitive Procurement Justification

1. Identify which of the four circumstances listed in 2 C.F.R. § 200.320(f) justify a noncompetitive procurement:
 - (1) The item is available only from a single source;
 - (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
 - (4) After solicitation of a number of sources, competition is determined inadequate.
2. Provide a brief description of the product or service being procured, including the expected amount of the procurement.
3. Explain why a noncompetitive procurement is necessary. If utilizing the exigency/emergency exception, the justification should explain the nature of the public exigency or emergency, including specific conditions and circumstances that clearly illustrate why procurement other than through noncompetitive proposals would cause unacceptable delay in addressing the public exigency or emergency. (Failure to plan for transition to competitive procurement cannot be the basis for continued use of noncompetitive procurement based on public exigency or emergency).
4. State how long the noncompetitively procured contract will be used for the defined scope of work and the impact on that scope of work should the noncompetitively procured contract not be available for that amount of time (e.g., how long do you anticipate the exigency or emergency circumstances will continue; how long will it take to identify your requirements and award a contract that complies with all procurement requirements; or how long would it take another contractor to reach the same level of competence).
5. Describe the specific steps taken to determine that full and open competition could not have been used, or was not used, for the scope of work (e.g., research conducted to determine that there were limited qualified resources available that could meet the contract provisions).
6. Describe any known conflicts of interest and any efforts that were made to identify possible conflicts of interest before the noncompetitive procurement occurred. If no efforts were made, explain why. If a conflict of interest is unavoidable, such as due to exigent/emergency circumstances, explain how it was unavoidable and any steps taken to address the impact of that conflict of interest.
7. Include any other information justifying the use of noncompetitive procurement in the specific instance.

NOTE: A separate justification is required for each instance of noncompetitive procurement.

NOTE: This checklist was effective in 2018, and provides general guidance. Check the FEMA website for current documentation guidance specific to COVID19 and modify if needed.

Documentation to Support Costs

Force Account Labor and Prisoner Labor:

For each individual:

- Name
- Job title and function
- Type of employee (i.e., full-time exempt, full-time non-exempt, part-time, temporary, prisoner, etc.)
- Days and hours worked
- Pay rate(s) and fringe benefit rate(s)
- Description of work performed with representative sample of daily logs / activity reports, if available
- Representative sample of timesheets
- Fringe benefit calculations
- Pay policy

Applicant-Owned (Force Account) Equipment:

For each piece of equipment:

- Type of equipment and attachments used, including year, make, and model
- Size/capacity (e.g., horsepower, wattage)
- Locations and days and hours used with usage logs
- Operator name
- Schedule of rates, including rate components

Rented or Purchased Equipment:

- Rental or lease agreements, invoices, receipts
- Days used

Supplies from Stock:

- Historical cost records
- Inventory records
- Type of supplies and quantities used, with support documentation such as daily logs

Purchased Supplies:

- Receipts or invoices

Contracts:

- Procurement policy
- Procurement and bid documents
- For procurements in excess of the simplified acquisition threshold, a cost/price analysis
- Contracts, change orders, and invoices
- Dates worked
- For time and materials (T&M) contracts, monitoring documentation

Mutual aid:

- Written agreement
- Services requested and received
- Same information listed for labor, equipment, and supplies above (as applicable)
- Invoices

Documentation to Support Costs Continued

Donated Resources:

For each individual:

- Name
- Days and hours worked
- Location of work and work performed

Equipment:

- Same information listed under Applicant-Owned Equipment above
- Who donated each piece of equipment

Supplies or materials:

- Quantity donated
- Who donated
- Location(s) used

Cost Estimates:

- Cost estimate for the agreed-upon SOW developed with unit costs
- Qualifications of the company or individual who prepared the cost estimate

Cost reasonableness (if requested by FEMA):

- Documentation showing current market price for similar goods or services, such as:
 - Historical documentation;
 - Average costs in the area; or
 - Published unit costs from national cost estimating databases.
- Documentation supporting necessity of unique services or extraordinary level of effort
- Documentation supporting shortages, challenging procurement circumstances, and length of time shortages or procurement challenges existed, such as:
 - News stories
 - Supply chain vendor reports

For Direct Administrative Costs (DAC):

- Specific description of administrative task performed by individual
- Skill level and position description of individual performing task

Other:

- Documentation regarding cash donations or other funding received
- Cost comparisons and source documentation, if applicable
- Actual insurance proceeds, if available

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency

O.M.B. Control Number: 1660-0017

Expires: December 31, 2019

APPLICANT'S BENEFITS CALCULATION WORKSHEET

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average .5 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. This collection of information is not required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, Paperwork Reduction Project (1660-0017) **NOTE: Do not send your completed form to this address.**

| | |
|-----------|---------|
| APPLICANT | PA ID # |
|-----------|---------|

| | |
|----------|-----------|
| DISASTER | PROJECT # |
|----------|-----------|

| FRINGE BENEFITS (by %) | REGULAR TIME | OVERTIME |
|---------------------------------|--------------|----------|
| HOLIDAYS | | |
| VACATION LEAVE | | |
| SICK LEAVE | | |
| SOCIAL SECURITY | | |
| MEDICARE | | |
| UNEMPLOYMENT | | |
| WORKER'S COMP. | | |
| RETIREMENT | | |
| HEALTH BENEFITS | | |
| LIFE INS. BENEFITS | | |
| OTHER | | |
| TOTAL IN % ANNUAL SALARY | | |

COMMENTS

I CERTIFY THAT THE INFORMATION ABOVE WAS TRANSCRIBED FROM PAYROLL RECORDS OR OTHER DOCUMENTS WHICH ARE AVAILABLE

| | | |
|------|-------|------|
| NAME | TITLE | DATE |
|------|-------|------|

DEPARTMENT OF HOMELAND SECURITY
 Federal Emergency Management Agency
FORCE ACCOUNT LABOR SUMMARY

PAGE _____ OF _____ O.M.B. Control Number: 1660-0017
 Expires: December 31, 2019

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average .5 hours per response. The burden estimates includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472-3100, Paperwork Reduction Project (1660-0017). **NOTE: Do not send your completed questionnaire to this address.**

| | | | |
|-----------------|----------|-----------|----------|
| APPLICANT | PA ID # | PROJECT # | DISASTER |
| LOCATION/SITE | CATEGORY | | |
| PERIOD COVERING | | | |

DESCRIPTION OF WORK PERFORMED

| NAME | DATES AND HOURS WORKED EACH WEEK | | | | | | | COSTS | | | | |
|-----------|----------------------------------|--|--|--|--|--|--|-------------|-------------|-----------------|-------------------|-------------|
| | DATE | | | | | | | TOTAL HOURS | HOURLY RATE | BENEFIT RATE/HR | TOTAL HOURLY RATE | TOTAL COSTS |
| JOB TITLE | | | | | | | | | | | | |
| NAME | REG. | | | | | | | | | | | |
| JOB TITLE | O.T. | | | | | | | | | | | |
| NAME | REG. | | | | | | | | | | | |
| JOB TITLE | O.T. | | | | | | | | | | | |
| NAME | REG. | | | | | | | | | | | |
| JOB TITLE | O.T. | | | | | | | | | | | |
| NAME | REG. | | | | | | | | | | | |
| JOB TITLE | O.T. | | | | | | | | | | | |

TOTAL COSTS FOR FORCE ACCOUNT LABOR REGULAR TIME _____ \$
 TOTAL COST FOR FORCE ACCOUNT LABOR OVERTIME _____ \$

I CERTIFY THAT THE INFORMATION ABOVE WAS OBTAINED FROM PAYROLL RECORDS, INVOICES, OR OTHER DOCUMENTS THAT ARE AVAILABLE FOR AUDIT.

| | |
|-----------|------|
| CERTIFIED | DATE |
|-----------|------|

Federal Emergency Management Agency
RENTED EQUIPMENT SUMMARY RECORD

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average .5 hours per response. The burden estimates includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472-3100, Paperwork Reduction Project (1660-0017). **NOTE: Do not send your completed questionnaire to this address.**

| APPLICANT | | PA ID #. | | PROJECT #. | | DISASTER | | |
|--|-------------------------|---------------|-----------|-----------------|--------|-------------|-------------------------|-----------|
| LOCATION/SITE | | CATEGORY | | PERIOD COVERING | | | | |
| DESCRIPTION OF WORK PERFORMED | | | | | | | | |
| TYPE OF EQUIPMENT Indicate size, Capacity, Horsepower Make and Model as Appropriate | DATES AND HOURS USED | RATE PER HOUR | | TOTAL COST | VENDOR | INVOICE NO. | DATE AND AMOUNT PAID | CHECK NO. |
| | | W/OPR | W/OUT OPR | | | | | |
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| GRAND TOTAL | | | | _____ | | | | |
| I CERTIFY THAT THE ABOVE INFORMATION WAS OBTAINED FROM PAYROLL RECORDS, INVOICES, OR OTHER DOCUMENTS THAT ARE AVAILABLE FOR AUDIT. | | | | | | | | |
| CERTIFIED | | TITLE | | DATE | | | | |



PUBLIC ASSISTANCE MANAGEMENT COSTS INTERIM POLICY

BACKGROUND

On October 5, 2018, the President signed the [Disaster Recovery Reform Act of 2018](#) (DRRA) into law as part of the Federal Aviation Administration Reauthorization Act of 2018. Section 1215 of the DRRA changed Section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as Amended (Stafford Act). As a result of the amendment to Section 324, Title 44 Code of Federal Regulations (CFR) Part 207 is no longer effective.

Objective

The Public Assistance (PA) Management Costs Interim Policy (Interim Policy) implements Section 1215 of the DRRA and provides greater flexibility to state, tribal, territorial and local governments to manage the PA Program. FEMA will evaluate this Interim Policy as it is implemented and will update the management costs policy in the Public Assistance Program and Policy Guide.

Summary of Changes

Changes include:

- A revised definition of management costs to include indirect costs and direct administrative costs
- A revised maximum management cost rate of up to 12 percent, of which up to 7 percent is for the Recipient and up to 5 percent is for Subrecipients.
- Elimination of the \$20 million cap
- Elimination of lock-in amounts and the associated process for determining the lock-in amount

Management Costs Contribution

FEMA defines PA management costs as including any of the following when associated with the PA portion of a major disaster or emergency:

- Indirect costs
- Direct administrative costs
- Other administrative expenses associated with a specific project

FEMA provides contributions for management costs based on **actual costs incurred up to:**

- 7 percent of the total award amount for the Recipient, excluding Subrecipient management costs.
- 5 percent of the total award amount for each Subrecipient.

The total award amount, for the purposes of calculating the management cost contribution, is the actual eligible PA project costs (Federal and non-Federal share) after insurance and any other reductions. Category B Donated Resource Project Worksheets (PW) are not included in the calculation as they are not project awards.

Retroactive Implementation

This Interim Policy applies retroactively to incidents declared on or after August 1, 2017. Recipients and Subrecipients with incidents declared from August 1, 2017, through October 4, 2018, may choose between using this Interim Policy or continuing to use the existing regulations and policies related to Management Costs and Direct Administrative Costs (DAC) as detailed in 44 CFR Part 207, Chapters 2.V.N and 3.V.B of the *Public*

Assistance Program and Policy Guide (PAPPG), and the Public Assistance Alternative Procedures for Direct Administrative Costs (DAC Pilot).

| Recipients or Subrecipients that (as of the date of this Interim Policy) have: | OPTIONS | | |
|--|---------------------------------|-----------|-----------------------|
| | Management Costs Interim Policy | DAC Pilot | Previous DAC Policies |
| Opted into the DAC Pilot (regardless of whether funding has been obligated). | ✓ | ✓ | - |
| Not opted into the DAC Pilot, but have DAC funding obligated. | ✓ | - | ✓ |
| Not opted into the DAC Pilot and have no DAC funding obligated. | ✓ | - | ✓ |

Recipients and Subrecipients must notify FEMA of which option they choose **no later than March 15, 2019**.

For Recipients and Subrecipients that do not notify FEMA of which option they choose by March 15, 2019, the following will apply:

- If the Recipient or Subrecipient did not have DAC funding obligated and did not opt into the DAC pilot, it will receive management cost contributions pursuant to the Interim Policy.
- FEMA will continue processing DAC Project Worksheets (PW) as it was prior to the Interim Policy for any Recipient or Subrecipient that has Direct Administrative Cost (DAC) funding obligated or opted into the DAC Pilot with a signed DAC Pilot Acknowledgement Form. For these Recipients, FEMA will also process the Category Z management cost PW per the requirements of Title 44 Code of Federal Regulations Part 207. These Recipients and Subrecipients will not be eligible for the Interim Policy for these declarations.

The following charts on pages 3 and 4 outline the differences between each of the implementation options.

SUBRECIPIENTS

| <i>Management Costs Interim Policy</i> | <i>DAC Pilot</i> | <i>Standard DAC Policy</i> |
|--|---|--|
| 5% cap calculated based on final actual eligible project costs, including Federal and non-Federal cost shares, after insurance and any other reductions. | 5% cap calculated based on the total of the following (prior to insurance or cost share reductions): <ul style="list-style-type: none"> • The fixed amount for any Alternative Procedures Permanent Work Pilot projects. • The eligible amount of non-Permanent Work Pilot PWs submitted to FEMA within 2 years of the declaration date | No cap. |
| Receive reimbursement for actual reasonable costs not-to-exceed (NTE) the 5% calculation. Cannot retain excess funds. | Receive reimbursement for actual costs up to the 5% calculation (1% of this is withheld by the Recipient and deobligated if closeout requirements are not met). May retain excess funds when used for specific purposes. | Receive reimbursement for actual reasonable DAC. Cannot retain excess funds. |
| Management costs related to small projects are funded based on actual costs. | DAC related to small projects are funded based on actual costs. | DAC on small projects may be funded based on estimates. |
| Management costs are funded at 100 percent Federal cost share. | DAC is funded based on the Federal cost share for Permanent Work. | DAC is funded based on the Federal cost share of the associated project. |
| Includes both direct and indirect costs. | May only claim indirect costs if Recipient passes through funding from its 3.34 percent. | May only claim indirect costs if Recipient passes through funding from its 3.34 percent. |
| Obligated on one Category Z PW. | DAC is obligated on one Category Z PW. | DAC is obligated within each Category A-G PW. |

RECIPIENTS

| <i>Management Costs Interim Policy</i> | <i>DAC Pilot</i> | <i>Standard DAC Policy</i> |
|--|--|---|
| <p>7% cap for all indirect and direct costs that is calculated based on final actual eligible project costs, prior to cost share reductions, but after insurance and any other reductions.</p> | <p>3.34% cap for indirect costs (NTE \$20 million across PA and HMGP), a 5% cap for DAC related to Recipient’s own projects, and no cap for Recipient DAC related to Subrecipient projects.</p> <p>The 3.34% is calculated based on the Federal share of the total estimated obligations (after insurance and any other reductions) at one year after the declaration date.</p> <p>The 5% is calculated based on the total of the following (prior to insurance or cost share reductions):</p> <ul style="list-style-type: none"> • The fixed amount for any Alternative Procedures Permanent Work Pilot projects. • The eligible amount of non-Permanent Work Pilot PWs submitted to FEMA within 2 years of the declaration date. | <p>3.34% cap for indirect costs (NTE \$20 million across PA and HMGP) and no cap for DAC related to either its own projects or Subrecipient projects.</p> <p>The 3.34% is calculated based on the Federal share of the total estimated obligations (after insurance and any other reductions) at one year after the declaration date.</p> |
| <p>Receive reimbursement for actual reasonable management costs (indirect and direct administrative costs), NTE the 7% calculation. Cannot retain excess funds.</p> | <p>Receive reimbursement for actual reasonable indirect costs up to 3.34 percent (NTE \$20 million across PA and HMGP), up to 5% DAC on its own projects (1% deobligated if closeout requirements are not met), and actual reasonable DAC related to Subrecipient projects. May retain excess DAC funds related to its own projects when used for specific purposes.</p> | <p>Receive reimbursement for actual reasonable indirect costs up to 3.34% (NTE \$20 million across PA and HMGP), and receive actual reasonable DAC for both its own projects and Subrecipient projects. Cannot retain excess funds.</p> |
| <p>Management costs related to small projects are funded based on actual costs.</p> | <p>Indirect costs and DAC related to small projects are funded based on actual costs.</p> | <p>Indirect costs and DAC related to Subrecipient small projects are funded based on actual costs. DAC related to a Recipient’s own small projects may be funded based on estimates.</p> |
| <p>100% Federal share.</p> | <p>DAC related to Subrecipient projects and all indirect costs are funded at 100% Federal share. DAC related to the Recipient’s own projects are funded based on the Federal cost share for Permanent Work.</p> | <p>DAC related to Subrecipient projects and all indirect costs are funded at 100% Federal share. DAC for a Recipient’s own projects are funded based on the Federal cost share of the associated project.</p> |
| <p>Obligated on one Category Z PW.</p> | <p>Indirect costs are obligated on a Category Z PW, DAC related to Subrecipient projects are obligated on another Category Z PW, DAC related to a Recipient’s own projects are obligated on another Category Z PW.</p> | <p>Indirect costs are obligated on a Category Z PW, DAC related to Subrecipient projects are obligated on another Category Z PW, DAC related to a Recipient’s own projects are obligated within each Category A-G PW.</p> |

CROCKETT COMMUNITY SERVICES DISTRICT

P.O. Box 578 - Crockett, CA 94525
850 Pomona Street
Telephone (510) 787-2992
Fax (510) 787-2459
e-mail: manager@town.crockett.ca.us
website: www.town.crockett.ca.us

TO: Board of Directors
FROM: General Manager
SUBJECT: COVID-19 and Issues Facing the District - Agenda Item 4.e.
DATE: March 31, 2020

Attached is a *CCSD RISK ASSESSMENT: Database entry (sample)* document created by the Strategic Planning Committee with Risk Type as Epidemic to foster discussion on Coronavirus pandemic.

Along with it is the Strategic Planning CCSD Risk Assessment Matrix for each of District's departments; Crockett Sanitary (CVSan), Port Costa Sanitary (PCSan), Recreation (REC), and Maintenance (MAINT).

ACTION

Receive report from Strategic Planning Committee. Discuss and form opinions, direct committee or staff accordingly.

DRAFT WORKING DOCUMENT

CCSD RISK ASSESSMENT: Database entry (sample)

Date: March 31, 2020

Risk type: EPIDEMIC

A. PREPARATION (PRE-PLANNING)

UNIVERSAL ENTRIES:

1. Identify threatened services of the District. Prepare advance plans, as appropriate.
2. Inventory safety equipment emergency supplies. Procure more, as appropriate.
3. Identify medical professionals residing in Crockett and Port Costa.
4. Determine the need for cash-on-hand to continue operations, assuming that credit cards cannot be accepted. [Cash for diesel fuel, for example.]
5. Identify limits on staff availability [e.g. caring for dependent family member, needing child daycare or medical care.] Prepare advance plans, as appropriate.
6. Identify transport limitations among staff, preventing flexible hours or rapid response.
7. Identify medical issues, financial issues, or housing issues among staff that could limit availability.
- 8.

SPECIALIZED ENTRIES:

1. Identify
2. Determine
3. Advise
- 4.
- 5.

B. COMMUNICATION

UNIVERSAL ENTRIES:

1. Establish or refresh communications with Office of Emergency Services (OES) and other public safety or governmental agencies, as appropriate.
2. Advise and instruct staff. Will there be changes in hours, duties or responsibilities? Under what conditions should staff not come to work?

3. Advise and consult Board President, Board Members and Commissioners regularly, and maintain lines of communication at all times.
4. Advise and consult attorney, engineer or consultants as often as needed
5. Call emergency meetings of District Board or Commissions as often as needed.
6. Increase monitoring of public media and the news feeds of appropriate agencies, as needed

SPECIALIZED ENTRIES:

1. Identify
2. Determine
3. Advise
- 4.

C. EMERGENCY RESPONSE AND DOCUMENTATION

UNIVERSAL ENTRIES:

1. Determine cutbacks in regular activities, re-prioritizing and re-focusing staff attention on emergency responses, as needed.
2. Determine likelihood of evacuation from District facilities; identify evacuation triggers, routes and methods, as appropriate.
3. Document the emergency's origin and progression, and document all actions taken to address the emergency. Take photos when appropriate. Preserve all documentation as vital information.
- 4.
- 5.

SPECIALIZED ENTRIES:

1. Identify
2. Determine
3. Advise
- 4.

D. RECOVERY

UNIVERSAL ENTRIES:

1. Determine
2. Determine
3. Document

SPECIALIZED ENTRIES:

1. Identify
2. Determine
3. Advise
- 4.

DRAFT WORKING DOCUMENT

CCSD RISK ASSESSMENT MATRIX

Potential Hazards to service provision

CVSan Facilities

Potential severity to
service provision 'dot'
relative short term risk

| JTP w/ outfall | Main pump station w/ 2 forcemains & structures | EQ tank w/ garage & control building, trees & fences | Loring lift station w/ forcemain | Sewers w/ manholes | Shoreline properties (2) |
|-------------------|--|--|--|-----------------------|--------------------------------|
|-------------------|--|--|--|-----------------------|--------------------------------|

I. Local disasters:

| | | | | | | | |
|---------------------|-----|---|---|---|---|---|---|
| Power outage | 1.1 | B | A | - | B | - | - |
| Short circuit | 1.1 | A | A | B | A | - | - |
| Earthquake | 1.1 | A | A | A | A | A | - |
| Heavy Rain | 1.1 | A | A | A | B | A | - |
| Flood | 1.2 | B | A | B | - | A | B |
| Building fire | 1.2 | A | A | B | B | - | - |
| Pipeline rupture | 1.3 | B | A | - | - | - | - |
| Structural failures | 1.3 | A | A | B | - | - | - |
| Derailment | 1.4 | A | A | B | - | B | B |
| Bridge failure | 1.4 | A | A | B | - | B | - |
| Epidemic | 1.4 | B | B | - | - | - | - |
| Mudslide | 2.2 | - | - | B | - | A | B |
| Easement failures | 2.3 | - | - | - | A | A | - |
| Explosion | 2.4 | A | - | B | A | A | - |
| Communication loss | 3.1 | A | B | B | A | - | - |
| Computer corruption | 3.1 | A | B | - | - | - | - |
| Wildfire | 4.1 | B | - | B | A | A | - |
| Sinkholes | 4.3 | - | - | - | - | A | - |

**Potential Hazards
to service provision**

CVSan Facilities

Potential severity to
service provision 'dot'
relative short term risk

| JTP w/ outfall | Main pump station w/ 2 forcemains & structures | EQ tank w/ garage & control building, trees & fences | Loring lift station w/ forcemain | Sewers w/ manholes | Shoreline properties (2) |
|-------------------|--|--|--|-----------------------|--------------------------------|
|-------------------|--|--|--|-----------------------|--------------------------------|

II. Criminal acts:

| | | | | | | | |
|---------------------------|-----|---|---|---|---|---|---|
| Vandalism | 1.1 | A | A | B | A | B | - |
| Hacking | 1.1 | A | B | - | - | - | - |
| Chemical contamination | 1.1 | A | A | B | - | - | - |
| Arson | 1.3 | A | A | B | B | - | - |
| Fraud | 1.4 | A | B | B | B | - | - |
| Terrorism | 1.4 | A | A | B | - | - | - |
| Radioactive contamination | 2.2 | B | B | B | - | - | - |
| Shooting | 2.3 | B | B | - | - | - | - |
| Vehicle crash | 4.2 | B | A | - | - | - | - |
| Vehicle theft | 4.2 | - | - | - | - | - | - |
| Robbery/burglary | 4.3 | B | B | B | - | - | - |
| Social upheaval | 4.4 | - | - | - | - | - | - |

III. Climate change:

| | | | | | | | |
|------------|-----|---|---|---|---|---|---|
| Flood | 2.4 | A | A | A | - | A | - |
| Fire | 2.4 | A | A | A | A | B | - |
| Drought | 3.4 | - | - | - | - | - | - |
| High winds | 3.4 | - | - | B | - | - | - |

**Potential Hazards
to service provision**

CVSan Facilities

Potential severity to
service provision 'dot'
relative short term risk

| JTP w/ outfall | Main pump station w/ 2 forcemains & structures | EQ tank w/ garage & control building, trees & fences | Loring lift station w/ forcemain | Sewers w/ manholes | Shoreline properties (2) |
|-------------------|--|--|--|-----------------------|--------------------------------|
|-------------------|--|--|--|-----------------------|--------------------------------|

IV. Economics:

| | | | | | | | |
|--------------------------|-----|---|---|---|---|---|---|
| C&H flow reduction | 1.2 | A | A | - | - | A | - |
| C&H collapse | 1.3 | A | A | - | - | A | - |
| Adversarial postures | 2.2 | A | A | - | - | A | - |
| Law suits | 2.2 | A | A | - | - | B | - |
| Loss of disposal site | 2.2 | A | B | - | - | B | - |
| Tertiary treatment req't | 2.3 | A | A | A | - | B | A |
| Changes in law | 3.2 | A | A | A | - | B | - |
| Unfunded mandates | 3.3 | A | A | A | - | B | - |
| Labor strikes | 3.3 | B | B | - | - | - | - |
| Recessionary defaults | 3.3 | - | B | B | - | B | - |
| Technological failures | 3.3 | A | A | - | - | - | - |
| Loss of property tax | 4.3 | A | A | A | A | A | - |
| Demographic changes | 4.4 | - | B | B | B | B | - |

V. Internal forces:

| | | | | | | | |
|------------------------------|-----|---|---|---|---|---|---|
| Loss of key staff | 1.1 | - | A | B | B | A | - |
| Criminal actions | 1.4 | - | A | A | - | A | - |
| Staff errors | 2.2 | - | A | A | B | A | - |
| Inability to hire competency | 2.2 | - | A | B | B | A | - |
| Tragedies | 2.3 | - | A | A | B | A | - |
| Use of volunteers | 4.1 | | | | | | |
| Director/Commissioners | 4.1 | | | | | | |

**Potential Hazards
to service provision**

CVSan Facilities

Potential severity to
service provision 'dot'
relative short term risk

| JTP w/ outfall | Main pump station w/ 2 forcemains & structures | EQ tank w/ garage & control building, trees & fences | Loring lift station w/ forcemain | Sewers w/ manholes | Shoreline properties (2) |
|-------------------|--|--|--|-----------------------|--------------------------------|
|-------------------|--|--|--|-----------------------|--------------------------------|

VI. Law suit for negligence:

Personal injury or death:

| | | | | | | | |
|--------------------------|-----|---|---|---|---|---|---|
| Falling glass, tree etc. | 1.1 | - | - | B | - | - | - |
| Drowning | 1.4 | - | - | - | - | - | - |
| Electrocution | 1.4 | B | B | B | B | - | - |
| Taking a fall | 2.2 | B | B | B | - | B | B |
| Inadequate training | 2.2 | B | B | B | - | B | - |
| Inadequate security | 2.2 | - | - | - | - | - | - |
| Not following OSHA | 2.3 | B | B | B | - | - | - |
| Drugs or alcohol | 2.4 | B | B | - | - | - | - |
| Assault or road rage | 2.4 | B | B | - | - | - | - |
| Contamination | 2.4 | B | B | B | B | B | - |
| Inadequate maintenance | 3.2 | - | - | - | - | B | - |
| Inadequate supervision | 3.2 | - | - | - | - | - | - |
| Vehicle accident | 4.2 | - | B | - | - | B | - |
| Railroad death | 4.4 | - | B | B | - | - | - |
| Administrative failures | 4.4 | - | B | B | - | B | B |
| Accessibility | 4.4 | - | - | - | - | - | - |

**Potential Hazards
to service provision**

CVSan Facilities

Potential severity to
service provision 'dot'
relative short term risk

| JTP w/ outfall | Main pump station w/ 2 forcemains & structures | EQ tank w/ garage & control building, trees & fences | Loring lift station w/ forcemain | Sewers w/ manholes | Shoreline properties (2) |
|-------------------|--|--|--|-----------------------|--------------------------------|
|-------------------|--|--|--|-----------------------|--------------------------------|

VII. Failure of dependencies:

| | | | | | | | |
|-----------------------------|-----|---|---|---|---|---|---|
| TP management by C&H | 1.4 | A | A | B | B | A | - |
| TP management for PC | 1.2 | - | - | - | - | - | - |
| Contract laboratories | 1.4 | A | - | - | - | - | - |
| Maint. by WCWD | 1.3 | - | A | A | A | B | - |
| Vendors | 2.2 | B | A | - | - | - | - |
| Electricity from PG&E | 2.1 | A | A | B | A | - | - |
| Solid waste disposal sites | 2.4 | A | A | - | - | - | - |
| Diesel fuel | 2.2 | A | A | - | - | - | - |
| Emergency aid | 2.3 | A | A | A | A | A | - |
| Water from EBMUD | 3.4 | A | A | - | - | - | - |
| Legal counsel | 3.4 | B | B | - | - | B | - |
| County treasurer | 3.4 | B | B | B | B | B | - |
| Sewer contractors | 3.4 | - | - | - | - | A | - |
| Insurance availability | 3.4 | A | A | B | - | A | - |
| Maint. & repair contractors | 4.3 | - | B | B | B | B | - |
| District engineer | 4.4 | - | A | B | - | A | - |
| Capital project contractors | 4.4 | - | A | A | - | A | - |
| Natural gas from PG&E | 4.4 | - | - | - | - | - | - |
| Auditors | 4.4 | - | B | B | B | B | - |
| Computer servicemen | 4.2 | - | - | - | - | - | - |
| Property tax revenue | 4.4 | B | B | B | B | B | - |
| Grants & RTS | 4.4 | B | B | B | - | B | - |
| CPS & CIA services | 4.1 | - | - | - | - | - | - |

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RISK ASSESSMENT MATRIX

Potential Hazards to service provision

PCSan Facilities

PC TP w/ outfall External generator Interceptor Sewers w/ manholes

I. Local disasters:

| | | | | |
|---------------------|---|---|---|---|
| Power outage | A | B | - | - |
| Short circuit | A | A | - | - |
| Earthquake | A | - | A | A |
| Heavy Rain | A | - | A | A |
| Flood | A | A | A | A |
| Building fire | A | A | - | - |
| Pipeline rupture | B | - | B | - |
| Structural failures | A | - | A | - |
| Derailment | A | A | A | B |
| Bridge failure | - | - | - | - |
| Epidemic | B | - | - | - |
| Mudslide | A | - | - | A |
| Easement failures | - | - | - | A |
| Explosion | A | A | B | A |
| Communication loss | A | A | - | - |
| Computer corruption | A | B | - | - |
| Wildfire | A | A | - | A |
| Sinkholes | - | - | - | A |

**Potential Hazards
to service provision**

PCSan Facilities

PC TP w/ outfall External generator Interceptor Sewers w/ manholes

II. Criminal acts:

| | | | | |
|---------------------------|---|---|---|---|
| Vandalism | A | A | - | - |
| Hacking | B | B | - | - |
| Chemical contamination | A | - | A | - |
| Arson | A | A | - | - |
| Fraud | B | - | - | - |
| Terrorism | A | A | - | - |
| Radioactive contamination | B | - | A | - |
| Shooting | B | - | - | - |
| Vehicle crash | B | - | - | - |
| Vehicle theft | - | - | - | - |
| Robbery/burglary | B | - | - | - |
| Social upheaval | - | - | - | - |

III. Climate change:

| | | | | |
|------------|---|---|---|---|
| Flood | A | A | A | A |
| Fire | A | A | - | B |
| Drought | - | - | - | - |
| High winds | B | - | - | - |

**Potential Hazards
to service provision**

PCSan Facilities

PC TP w/ outfall External generator Interceptor Sewers w/ manholes

IV. Economics:

| | | | | |
|-------------------------------|---|---|---|---|
| C&H flow reduction | - | - | - | - |
| C&H collapse | - | - | - | - |
| Adversarial postures | B | B | B | B |
| Law suits | B | B | B | B |
| Loss of disposal site | - | - | - | - |
| Tertiary treatment req't | A | - | - | - |
| Changes in law | A | - | - | B |
| Unfunded mandates | A | - | - | - |
| Labor strikes | - | - | - | - |
| Recessionary defaults | A | - | - | A |
| Technological failures | B | - | - | - |
| Loss of property tax | - | - | - | - |
| Demographic changes | B | - | - | B |

V. Internal forces:

| | | | | |
|------------------------------|---|---|---|---|
| Loss of key staff | B | - | - | - |
| Criminal actions | A | A | A | B |
| Staff errors | A | A | B | B |
| Inability to hire competency | A | A | B | B |
| Tragedies | A | B | B | B |
| Use of volunteers | | | | |
| Director/Commissioners | | | | |

**Potential Hazards
to service provision**

PCSan Facilities

PC TP w/ outfall External generator Interceptor Sewers w/ manholes

VI. Law suit for negligence:

| | | | | |
|---------------------------|---|---|---|---|
| Personal injury or death: | - | - | - | - |
| Falling glass, tree etc. | B | - | - | - |
| Drowning | - | - | - | - |
| Electrocution | - | B | - | - |
| Taking a fall | B | - | - | B |
| Inadequate training | A | A | - | - |
| Inadequate security | - | - | - | - |
| Not following OSHA | A | - | - | - |
| Drugs or alcohol | - | - | - | - |
| Assault or road rage | - | - | - | - |
| Contamination | A | - | - | - |
| Inadequate maintenance | - | - | - | - |
| Inadequate supervision | B | B | B | B |
| Vehicle accident | - | - | - | - |
| Railroad death | A | - | - | - |
| Administrative failures | B | B | B | B |
| Accessibility | - | - | - | - |

**Potential Hazards
to service provision**

PCSan Facilities

PC TP w/ outfall External generator Interceptor Sewers w/ manholes

VII. Failure of dependencies:

| | | | | |
|-----------------------------|---|---|---|---|
| TP management by C&H | - | - | - | - |
| TP management for PC | A | B | - | - |
| Contract laboratories | A | - | - | - |
| | - | - | - | - |
| Vendors | A | - | A | - |
| Electricity from PG&E | A | - | - | - |
| Solid waste disposal sites | - | - | A | - |
| Diesel fuel | - | A | - | - |
| Emergency aid | A | A | - | - |
| Water from CCWD | A | - | - | - |
| Legal counsel | - | - | - | - |
| County treasurer | B | - | - | - |
| Sewer contractors | - | - | A | A |
| Insurance availability | A | - | - | A |
| Maint. & repair contractors | B | B | B | B |
| District engineer | A | - | - | A |
| Capital project contractors | A | - | B | A |
| Natural gas from PG&E | - | - | - | - |
| Auditors | B | - | - | B |
| Computer servicemen | - | - | - | - |
| Property tax revenue | - | - | - | - |
| Grants & RTS | - | - | - | - |
| CPS & CIA services | - | - | - | - |

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RISK ASSESSMENT MATRIX

Potential Hazards to service provision

Recreation Facilities

| Community Center w/ gazebo, lawn & trees, bbq area, & offices | Tennis courts | Bocce courts | Swim center | Restroom building | Park w/ play equip picnic facilities, trees & hillside |
|---|---------------|--------------|-------------|----------------------|--|
|---|---------------|--------------|-------------|----------------------|--|

I. Local disasters:

| | | | | | | |
|---------------------|---|---|---|---|---|---|
| Power outage | B | - | - | - | - | - |
| Short circuit | A | - | - | - | - | - |
| Earthquake | A | - | - | - | - | - |
| Heavy Rain | B | - | - | - | - | - |
| Flood | A | - | - | A | - | - |
| Building fire | A | - | - | - | - | - |
| Pipeline rupture | - | - | - | - | - | - |
| Structural failures | A | - | - | - | - | - |
| Derailment | - | - | - | - | - | - |
| Bridge failure | - | - | - | - | - | - |
| Epidemic | A | - | - | A | B | - |
| Mudslide | A | - | - | B | B | B |
| Easement failures | - | - | - | - | - | - |
| Explosion | - | - | - | - | - | - |
| Communication loss | A | - | - | B | - | - |
| Computer corruption | A | - | - | - | - | - |
| Wildfire | A | A | A | A | A | A |
| Sinkholes | B | - | A | - | - | A |

**Potential Hazards
to service provision**

Recreation Facilities

| Community Center w/ gazebo, lawn & trees, bbq area, & offices | Tennis courts | Bocce courts | Swim center | Restroom building | Park w/ play equip picnic facilities, trees & hillside |
|---|---------------|--------------|-------------|----------------------|--|
|---|---------------|--------------|-------------|----------------------|--|

II. Criminal acts:

| | | | | | | |
|---------------------------|---|---|---|---|---|---|
| Vandalism | A | A | A | A | A | A |
| Hacking | A | - | - | - | - | - |
| Chemical contamination | - | - | - | B | - | - |
| Arson | A | A | - | A | A | A |
| Fraud | B | - | - | B | - | - |
| Terrorism | A | - | - | A | - | B |
| Radioactive contamination | - | - | - | - | - | - |
| Shooting | B | B | B | B | B | B |
| Vehicle crash | B | B | B | B | - | - |
| Vehicle theft | B | - | - | - | - | - |
| Robbery/burglary | B | - | - | B | - | - |
| Social upheaval | A | A | A | A | A | A |

III. Climate change:

| | | | | | | |
|------------|---|---|---|---|---|---|
| Flood | - | - | - | - | - | - |
| Fire | A | A | - | A | A | B |
| Drought | B | B | - | B | - | B |
| High winds | B | B | B | B | B | A |

**Potential Hazards
to service provision**

Recreation Facilities

| Community Center w/ gazebo, lawn & trees, bbq area, & offices | Tennis courts | Bocce courts | Swim center | Restroom building | Park w/ play equip picnic facilities, trees & hillside |
|---|---------------|--------------|-------------|----------------------|--|
|---|---------------|--------------|-------------|----------------------|--|

IV. Economics:

| | | | | | | |
|-------------------------------|---|---|---|---|---|---|
| C&H flow reduction | - | - | - | - | - | - |
| C&H collapse | - | - | - | - | - | - |
| Adversarial postures | - | - | - | - | - | - |
| Law suits | A | A | A | A | - | A |
| Loss of disposal site | - | - | - | - | - | - |
| Tertiary treatment req't | - | - | - | - | - | - |
| Changes in law | B | - | - | A | - | A |
| Unfunded mandates | - | - | - | - | - | - |
| Labor strikes | - | - | - | - | - | - |
| Recessionary defaults | B | - | - | - | - | - |
| Technological failures | - | - | - | - | - | - |
| Loss of property tax | B | B | B | B | B | B |
| Demographic changes | B | B | B | B | B | B |

V. Internal forces:

| | | | | | | |
|------------------------------|---|---|---|---|---|---|
| Loss of key staff | B | - | - | A | - | - |
| Criminal actions | A | B | B | A | B | B |
| Staff errors | A | - | - | A | - | B |
| Inability to hire competency | A | - | - | A | - | - |
| Tragedies | B | B | B | A | B | B |
| Use of volunteers | | | | | | |
| Director/Commissioners | | | | | | |

**Potential Hazards
to service provision**

Recreation Facilities

| Community Center w/ gazebo, lawn & trees, bbq area, & offices | Tennis courts | Bocce courts | Swim center | Restroom building | Park w/ play equip picnic facilities, trees & hillside |
|---|---------------|--------------|-------------|----------------------|--|
|---|---------------|--------------|-------------|----------------------|--|

VI. Law suit for negligence:

Personal injury or death:

| | | | | | | |
|--------------------------|---|---|---|---|---|---|
| Falling glass, tree etc. | A | B | - | A | A | A |
| Drowning | - | - | - | A | - | - |
| Electrocution | A | - | - | A | - | - |
| Taking a fall | B | B | B | B | - | B |
| Inadequate training | B | - | - | A | - | - |
| Inadequate security | B | - | - | B | - | - |
| Not following OSHA | - | - | - | - | - | - |
| Drugs or alcohol | B | B | B | B | - | B |
| Assault or road rage | B | B | B | B | - | B |
| Contamination | B | - | - | B | - | B |
| Inadequate maintenance | | | | | | |
| Inadequate supervision | B | - | - | A | - | - |
| Vehicle accident | B | - | - | - | - | - |
| Railroad death | - | - | - | - | - | - |
| Administrative failures | B | B | B | B | B | B |
| Accessibility | B | B | B | B | B | B |

**Potential Hazards
to service provision**

Recreation Facilities

| Community Center w/ gazebo, lawn & trees, bbq area, & offices | Tennis courts | Bocce courts | Swim center | Restroom building | Park w/ play equip picnic facilities, trees & hillside |
|---|---------------|--------------|-------------|----------------------|--|
|---|---------------|--------------|-------------|----------------------|--|

VII. Failure of dependencies:

| | | | | | | |
|-----------------------------|---|---|---|---|---|---|
| TP management by C&H | - | - | - | - | - | - |
| TP management for PC | - | - | - | - | - | - |
| Contract laboratories | - | - | - | - | - | - |
| Vendors | A | - | - | A | - | A |
| Electricity from PG&E | A | B | B | A | B | - |
| Solid waste disposal sites | - | - | - | - | - | - |
| Diesel fuel | - | - | - | - | - | - |
| Emergency aid | - | - | - | - | - | - |
| Water from EBMUD | A | - | - | A | A | - |
| Legal counsel | B | - | - | B | - | B |
| County treasurer | B | - | - | B | - | - |
| Sewer contractors | - | - | - | - | - | - |
| Insurance availability | A | B | B | A | B | B |
| Maint. & repair contractors | B | - | - | A | B | B |
| District engineer | - | - | - | - | - | - |
| Capital project contractors | B | - | - | B | - | - |
| Natural gas from PG&E | A | - | - | - | - | - |
| Auditors | B | - | - | B | - | - |
| Computer servicemen | A | - | - | B | - | - |
| Property tax revenue | A | B | - | A | - | A |
| Grants & RTS | A | B | - | B | - | A |
| CPS & CIA services | - | - | - | - | - | - |

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RISK ASSESSMENT MATRIX

Potential Hazards to service provision

Maintenance Facilities

Memorial Hall
& grounds
w/ trees

Downtown Plaza

Streetlights

Fences

I. Local disasters:

| | | | | |
|---------------------|---|---|---|---|
| Power outage | - | - | B | - |
| Short circuit | - | B | B | - |
| Earthquake | A | B | B | B |
| Heavy Rain | A | - | - | - |
| Flood | - | - | - | - |
| Building fire | - | - | - | - |
| Pipeline rupture | - | - | - | - |
| Structural failures | - | - | A | B |
| Derailment | - | - | - | - |
| Bridge failure | - | - | - | - |
| Epidemic | - | - | - | - |
| Mudslide | A | - | - | B |
| Easement failures | - | - | - | B |
| Explosion | - | - | - | - |
| Communication loss | - | - | - | - |
| Computer corruption | - | - | - | - |
| Wildfire | - | - | - | - |
| Sinkholes | B | B | - | - |

**Potential Hazards
to service provision**

Maintenance Facilities

| Memorial Hall & grounds w/ trees | Downtown Plaza | Streetlights | Fences |
|-------------------------------------|----------------|--------------|--------|
|-------------------------------------|----------------|--------------|--------|

II. Criminal acts:

| | | | | |
|---------------------------|---|---|---|---|
| Vandalism | B | A | A | A |
| Hacking | - | - | - | - |
| Chemical contamination | - | - | - | - |
| Arson | A | A | A | - |
| Fraud | - | - | - | - |
| Terrorism | B | B | - | - |
| Radioactive contamination | - | - | - | - |
| Shooting | B | B | - | - |
| Vehicle crash | B | A | A | A |
| Vehicle theft | - | - | - | - |
| Robbery/burglary | B | - | - | - |
| Social upheaval | B | B | B | B |

III. Climate change:

| | | | | |
|------------|---|---|---|---|
| Flood | - | - | - | - |
| Fire | A | B | A | - |
| Drought | B | A | - | - |
| High winds | A | B | A | - |

**Potential Hazards
to service provision**

Maintenance Facilities

| Memorial Hall & grounds w/ trees | Downtown Plaza | Streetlights | Fences |
|-------------------------------------|----------------|--------------|--------|
|-------------------------------------|----------------|--------------|--------|

IV. Economics:

| | | | | |
|--------------------------|---|---|---|---|
| C&H flow reduction | - | - | - | - |
| C&H collapse | - | - | - | - |
| Adversarial postures | - | - | - | - |
| Law suits | B | B | B | - |
| Loss of disposal site | - | - | - | - |
| Tertiary treatment req't | - | - | - | - |
| Changes in law | - | - | - | - |
| Unfunded mandates | - | - | - | - |
| Labor strikes | - | - | - | - |
| Recessionary defaults | - | - | - | - |
| Technological failures | - | - | - | - |
| Loss of property tax | - | - | - | - |
| Demographic changes | - | - | - | - |

V. Internal forces:

| | | | | |
|------------------------------|---|---|---|---|
| Loss of key staff | B | B | B | B |
| Criminal actions | - | - | - | - |
| Staff errors | - | - | - | - |
| Inability to hire competency | - | B | B | - |
| Tragedies | B | B | B | - |
| Use of volunteers | | | | |
| Director/Commissioners | | | | |

**Potential Hazards
to service provision**

Maintenance Facilities

| Memorial Hall & grounds w/ trees | Downtown Plaza | Streetlights | Fences |
|-------------------------------------|----------------|--------------|--------|
|-------------------------------------|----------------|--------------|--------|

VI. Law suit for negligence:

Personal injury or death:

| | | | | |
|--------------------------|---|---|---|---|
| Falling glass, tree etc. | B | B | B | - |
| Drowning | - | - | - | - |
| Electrocution | - | - | A | - |
| Taking a fall | B | B | B | - |
| Inadequate training | - | - | - | - |
| Inadequate security | B | - | - | - |
| Not following OSHA | - | - | - | - |
| Drugs or alcohol | - | B | - | - |
| Assault or road rage | - | B | - | - |
| Contamination | - | - | - | - |
| Inadequate maintenance | B | B | B | B |
| Inadequate supervision | - | - | - | - |
| Vehicle accident | - | B | B | B |
| Railroad death | - | - | - | - |
| Administrative failures | B | B | B | B |
| Accessibility | - | B | - | - |

**Potential Hazards
to service provision**

Other Facilities


| Memorial Hall & grounds w/ trees | Downtown Plaza | Streetlights | Fences |
|-------------------------------------|----------------|--------------|--------|
|-------------------------------------|----------------|--------------|--------|

VII. Failure of dependencies:

| | | | | |
|-----------------------------|---|---|---|---|
| TP management by C&H | - | - | - | - |
| TP management for PC | - | - | - | - |
| | - | - | - | - |
| Vendors | - | - | - | - |
| Electricity from PG&E | - | B | A | - |
| Solid waste disposal sites | - | - | - | - |
| Diesel fuel | - | - | - | - |
| Emergency aid | - | - | - | - |
| Water from EBMUD | - | A | - | - |
| Legal counsel | - | - | - | - |
| County treasurer | - | - | - | - |
| Sewer contractors | - | - | - | - |
| Insurance availability | B | A | B | - |
| Maint. & repair contractors | A | - | A | - |
| District engineer | - | - | - | - |
| Capital project contractors | A | - | - | - |
| Natural gas from PG&E | - | - | - | - |
| Auditors | - | - | - | - |
| Computer servicemen | - | - | - | - |
| Property tax revenue | - | - | - | - |
| Grants & RTS | A | B | A | B |
| CPS & CIA services | - | A | A | B |

CROCKETT COMMUNITY SERVICES DISTRICT

P.O. Box 578 - Crockett, CA 94525
850 Pomona Street
Telephone (510) 787-2992
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e-mail: manager@town.crockett.ca.us
website: www.town.crockett.ca.us

TO: Board of Directors
FROM: General Manager 
SUBJECT: Management structure and existing employment agreements
DATE: March 5, 2020

On February 18, 2020 the Personnel Committee met and discussed the authority, dual-reporting, and employee agreements and contracted fringe benefits for our executive management team. The information was deemed to be useful and is being shared to help with the understanding of the roles and responsibilities of the General Manager and the Board.

The General Manager (GM) is the executive manager of the District and is responsible for the efficient and effective management, administration, and operation of the District as set forth in the District Code, Section 2.08.

Authority

District Code *Section 2.08.040* gives the GM the authority and duty to appoint, supervise, discipline, and dismiss District employees, *except those employees who are appointed by resolution of the Board*. District Code *Section 4.16.070* states that appointments for management level positions, including but not limited to general manager, district secretary and department managers, are Board-appointed positions, and such appointments shall be so adopted by resolution. Both the Recreation Department Manager and Port Costa Sanitary Department Manager positions are appointed by the Board and therefore the Board has authority over these positions unless, at the discretion of the Board, they choose to delegate certain aspects of their responsibility.

The creation and adoption of the policy Delegating Authority to Commissions, adopted by the Board on August 27, 2008, gives commissions the power to give directions to Department Managers. The same policy confirms the Board as the body to give direction to the General Manager, District Secretary, and Commissions. It reserves power to the Board to appoint, remove or discipline the general manager, district secretary, district treasurer, and their (*board*) staff, along with department managers.

California Government Code 61051 (b) makes the general manager responsible for "the appointment, supervision, discipline, and dismissal of the district's employees, *consistent with the employee relations system established by the board of directors*." The District's Personnel Policy & Procedures Manual generally describes the employment relationship between the District and its employees. Restrictions imposed by the District Code and contract law give the Board final authority over personnel matters for department managers.

Dual-Reporting

The District Hierarchy establishes dual-reporting responsibilities for its managers. Management must report to both their Commission and to the General Manager which sometimes have competing objectives. Management must weigh these conflicts and bring issues of dispute to the Board more regularly than that with agencies with a less complex reporting structure, adding an administrative burden to the District.

Employee Agreements and Contracted Fringe Benefits

The District's Management Employment Agreements for the Recreation Department Manager and Port Costa Sanitary Department Manager were developed based on the General Manager's contract and contain some the same language and protections given to executive managers including termination and severance pay, vacation leave, and sick leave. Any changes to the contract terms and fringe benefits provided would require negotiation of a new contract. Vacation leave for management employees under contract accrue monthly and accumulate from year-to-year without limit. Sick leave accumulates from-year-to-year and is capped under contract for two of the three management employees.

| | Vacation Accrued | Sick Accrued | Sick Cap |
|----------------|------------------|--------------|----------|
| Dale McDonald | 49 days | 240 hours | 240 |
| James Barnhill | 10 days | 37 hours | 160 |
| Ron Wilson | 48 days * | 192 hours | n/a |

* Based on 4-hour days

Use of vacation leave is restricted based on contract language, requiring employees to not voluntarily take more than either two weeks or three weeks of vacation in any calendar year without prior approval of the General Manager or Board. Both the General Manager and Recreation Manager accrue 4 weeks of vacation annually due to longevity of service. Vacation leave remains on the books as an uncompensated payroll liability and must be paid out upon leaving employment. The continuing accrual and responsibilities of managing the District has made it difficult for management to draw down their accrued vacation leave.

It was the consensus of the Personnel Committee to revisit management contracts as each term ends and consider caps on both vacation and sick leave accrual going forward.

ACTION

Receive the report and consider recommendation of the Personnel Committee, form other recommendations, and/or direct staff on action.

CROCKETT COMMUNITY SERVICES DISTRICT

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850 Pomona Street
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e-mail: manager@town.crockett.ca.us
website: www.town.crockett.ca.us

TO: Board of Directors
FROM: General Manager *M*
SUBJECT: Status Reports on previously ordered actions
DATE: March 9, 2020

District staff has strived to address the backlogged items on the various Status Reports presented, balancing risk and costs in prioritizing action. It has become increasingly difficult to keep up with the ever-growing list with existing staff.

I have reprioritized tasks and directed staff to focus on State mandated items as their priority along with focusing on their day-to-day operations. Backlogged work will remain on the Status Report lists as pending until such time staff can free up time, additional staff is brought on board, consultants leveraged, and/or volunteers are identified to assist.

I have also implemented an administrative order limiting multiple large-scale projects from occurring simultaneously across various departments absent funding to address the administrative burden these large projects have on our limited staff.

ACTION

Discuss and formulate opinions, direct staff accordingly.

CSD STATUS REPORT

MARCH

| DATE | REF. | TASK | STATUS | NEXT STEP |
|---------|------|---|------------------------|--|
| Ongoing | | Financial Accounting & Budget | Draft FY 20/21 report | Prelim FY 20/21 budget report |
| Ongoing | | ADA Compliance Plan Review | ON HOLD | Contract inspection |
| Ongoing | | Inventory of capital assets | BACKLOGGED | Update list annually |
| Ongoing | | Local Hazard Mitigation Plan (LHMP) | BACKLOGGED | Develop current |
| 1/17 | C-31 | Waiver of Subrogation | District does not have | Alliant to quote |
| 1/17 | C-30 | Establishment of By-Laws | BACKLOGGED | Staff to Draft |
| 10/17 | C-29 | Meeting Cancellation Policy | BACKLOGGED | Staff to Draft |
| 1/18 | C-28 | Second Signer Policy | BACKLOGGED | Staff to Draft |
| 5/18 | C-27 | Lateral Issues Report | BACKLOGGED | Staff to Draft |
| 9/18 | C-26 | Workshop for Directors on Public Contacting | Identify | Schedule Workshop |
| 7/17 | C-25 | Dog Park at Bridgehead - Resolution No. 17/18-09 supporting development and to determine feasibility. | Suspended Work | Awaiting Caltrans final lease |
| 5/17 | C-24 | Personal Accounts and Devices - complying with recent public records act decision regarding emails and text messages. | BACKLOGGED | All Directors, Commissioners, and staff following law by saving District records. |
| 1/16 | C-23 | Social Media - Facebook, Twitter, and web page. Used only to post information about District events, no debate online. Direction by Board to consolidate to one Facebook page. | ON HOLD | Board directed to limit to District posts. |
| 12/14 | C-21 | Emergency Operations Center (EOC) - Crockett Community Center to serve as EOC for the District per Resolution No. 14/15-10. Staff directed to attend SEMS training. | SUSPENDED WORK | Support EOC at Loring Fire Station, center to serve as public meeting place, draft resolution. |
| 3/14 | C-20 | Safety & Wellness Program - program for employees adopted by Resolution No. 13/14-17 but implementation postponed until funding can be identified. | ABANDONED PROGRAM | |

*Items marked COMPLETED will be removed from the Status Report the following month.

| | | | | |
|-------|-------|--|------------------------|--|
| 10/12 | C-12 | Revise internal chart of accounts - recommended by auditor. Move to class based accounting and simplification of chart of accounts recommended. | Planned for FY 20/21 | Consult CPA to assist |
| 1/11 | C-17 | Sewer map - update printed map of sewers and adopt resolution to define our responsibility. | iCOMM to draft. | Create new PDF map. |
| 8/06 | C-1.5 | WCWD Service Agreement - current agreement is from 1990, new agreement would better define the scope of services and needs of our District. | ON HOLD | Develop needs - CVSan Wastewater Comm. |
| 9/18 | C-26 | Workshop for Directors on Public Contracting | Identify | Schedule workshop |
| 5/18 | C-27 | Lateral issues report | BACKLOGGED | Staff to draft |
| 1/18 | C-28 | Second Signer Policy | BACKLOGGED | Staff to draft |
| 10/17 | C-29 | Meeting Cancellation Policy | BACKLOGGED | Staff to draft |
| 1/17 | C-30 | Establishment of By-Laws | BACKLOGGED | Staff to draft for all Commissions |
| 1/17 | C-31 | Waiver of Subrogation | District does not have | Alliant to quote |

*Items marked COMPLETED will be removed from the Status Report the following month.

PERSONNEL STATUS REPORT

| DATE | REF. | TASK | STATUS | NEXT STEP |
|-------|------|--|--------------|---|
| 4/14 | P-1 | Review Job Descriptions - update as needed, compare to WC Comp Codes. | BACKLOGGED | To Personnel Committee |
| 11/16 | P-2 | Injury & Illness Prevention Plan - review, update, and develop additional training material as needed. | BACKLOGGED | Draft revisions then to Personnel then Board for approval by Resolution |
| 11/16 | P-3 | Floater Holidays - written definition and guideline on use of floating holidays. | BACKLOGGED | Provide to Personnel Committee |
| 06/17 | P-5 | Harassment Training - class for all employees, directors, and commissioners. AB 1661 / SB 1343 | RGS trained | Finish training by May 2020 |
| 06/17 | P-6 | Non-Employee Conduct - develop simple policy that staff can follow on how to escalate complaints against Commissioners and/or volunteers. | BACKLOGGED | Policy to include interview with at least two people |
| 08/17 | P-7 | Outsource Administrative Tasks - gather costs of outsourcing certain tasks. | ONGOING | D. Morales assisting CVSan |
| 11/17 | P-8 | Merit Policy - revisit and consider removal of "pay raises" and "wage increase" from existing policy. | Not pursuing | Drop from list |
| 11/17 | P-9 | No Tip Policy - research and develop. | Not pursuing | Drop from list |
| 12/17 | P-10 | Hiring Procedures - consolidate and train staff | BACKLOGGED | Summarize written procedures - Personnel Committee |

** Larger project tasks are included on the Status Report. Smaller incidental and regular ongoing tasks are excluded from this report.

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*Items marked COMPLETED will be removed from the Status Report the following month.

MAINT. DEPT. STATUS REPORT

MARCH

| <u>DATE</u> | <u>TASK</u> | <u>STATUS</u> | <u>NEXT STEP</u> |
|-------------|--|------------------------------------|--|
| Ongoing | Plaza maint. thru CIA | on schedule | continue per MOU |
| Ongoing | Veterans Memorial Hall Seismic Retrofit | Engineer review of concrete pier | Memorial hall to meet |
| Ongoing | Veterans Memorial Fundraising | | |
| Ongoing | Hillside Maintenance | Fire on hillside | Call CALFIRE for removal |
| Ongoing | Bridgehead maintenance | Limited maintenance | Identify resources, plan of action |
| 1/19 | M-13 Parcel tax for maintenance | CIA researching | Board to consider |
| 9/18 | M-11 GeoTechnical Engineering Alternative Push Pier Design for Memorial Hall | Received drawings and calculations | Committee to determine if alternate seismic work is feasible |
| 8/17 | M-12 Investigate acquisition of corner bridgeview lot | No movement | KP investigating |
| 7/17 | M-9 Dog park at Bridgehead - lease or MOU | SUSPEND WORK | Waiting for Caltrans final lease |
| 8/07 | M-3 Caltrans property - Bridgehead | permit rec'd 3/12 | Waiting on Caltrans for new encroachment permit or abandon |

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*Items marked COMPLETED will be removed from the Status Report the following month.

REC. DEPT. STATUS REPORT

MARCH

| <u>DATE</u> | <u>REF.</u> | <u>TASK</u> | <u>STATUS</u> | <u>NEXT STEP</u> |
|-------------|-------------|---|-----------------------------|------------------------|
| Ongoing | | Facility maintenance - Community Center, pool, and park. | All safety issued corrected | |
| Ongoing | | Financial accounting & budget | Draft 20/21 | Prelim FY 20/21 Budget |
| Ongoing | | Prop 68 Park & Water Bond | Filed notice of interest | Get update from State |
| Ongoing | | Hazardous Material Training | Update I&I | Train seasonal staff |

FINANCIAL MATTERS

| | | | | |
|------|-----|--|--------------------|-----------------------------|
| 2/09 | F-9 | Fence damage recovery (#2) - Harris | \$1300.26 judgment | Ron to collect or sell debt |
|------|-----|--|--------------------|-----------------------------|

MAINTENANCE ISSUES

| | | | | |
|------|-----|---|-----------|--------------------------------------|
| 4/13 | M-8 | Hillside Maintenance - long-term hillside cleaning plan needs to be developed. | grass cut | Move to Maint Dept. identify funding |
| 2/19 | M-9 | Signage for the Park - post rules | Pending | Get new signs - summer trash |

CAPITAL IMPROVEMENTS

| | | | | |
|-------|-----|------------------------------------|---------|--|
| 3/14 | C-1 | West side covered deck Project | pending | Identify funding. Do project in phases |
| 12/18 | C-2 | Fire suppression system for Center | pending | Waiting on additional quotes |
| 2/20 | C-3 | Memorial bench for David Botta | pending | Funding and concrete pad |

ADMINISTRATIVE MATTERS

| | | | | |
|-------|------|--|---------------------------|--|
| 10/17 | A-30 | Add More Classes and Activities - at the Community Center | future item to Commission | Ad Hoc to identify costs and resources to implement. |
| 4/12 | A-31 | Alcohol rules for youth groups | Incorporated in contracts | Update Code by Ordinance |
| 9/10 | A-21 | Signs - no skateboards or bikes | Sec. 7.12.090 prohibits | add to signage for park rules |
| 11/08 | A-20 | Rec Policies & Procedures Manual - both the community center and aquatics center. | BACKLOGGED | |
| 2/20 | A-35 | Policy on memorial donations | BACKLOGGED | Staff to develop |
| 2/20 | A-36 | 100-year plaque at Community Center | Pending | Order plaque |

** Larger project tasks are included on the Status Report. Smaller incidental and regular ongoing tasks are excluded from this report.

PC SAN. DEPT. STATUS REPORT

MARCH

| <u>DATE</u> | <u>REF.</u> | <u>TASK</u> | <u>STATUS</u> | <u>NEXT STEP</u> |
|--------------------------------------|-------------|--|---------------------------------------|---|
| <u>ADMINISTRATIVE MATTERS</u> | | | | |
| Ongoing | | Review/revise O&M manual | Reviewed | Annual review |
| Ongoing | | Revise sewer system management plan | Audit complete | Audit Feb 2022 |
| Ongoing | | System rehabilitation program | BACKLOGGED | Continue video inspection. Update 5-year plan. |
| Ongoing | | Property database | Current thru 12/2020 | |
| Ongoing | | Financial accounting & budget | Identify funding | |
| 4/15 | A-4 | Sludge disposal procedure document | review with operators | |
| 2/19 | A-5 | Delayed payment of loan | TABLED | Revisit in May |
| 8/15 | A-6 | Encroachment 70 CLD | BACKLOGGED | Force owner to comply |
| 8/15 | A-7 | Small Community Grant | POSTPONED | Revisit State grant options |
| <u>ENGINEERING MATTERS</u> | | | | |
| 1/13 | E-3 | Install high water alarm in sump | Valley to aquire/install float switch | Telstar to tie into PLC |
| 6/08 | E-7 | #4 filter condition | ON HOLD | Excavate content of filler bed #4 |
| 3/16 | | Railroad crossing | ON HOLD | will approach this if equipment access to WWTP is needed for emergency or maintenance |
| 1/17 | | Install backup Watson Marlo chem pump | Pending aprvl to send to manufacturer | Valley send to diagnose/repair |
| 6/17 | | Constant Level Gate | Pending assessment | |
| 5/18 | | Upgrade PLC | contact vendor for estimate | |
| 6/18 | | P-03-09 + P-03-05 easement | sent letters to properties | |
| 6/18 | E-10 | Pipe condition assessment WWTP | Build plumbing pipe reserve | |
| 12/19 | E-8 | CCTV Inspection Project | ON HOLD | Reduce scope of work |
| 1/20 | E-9 | Remove sewer blockage on P-03-12 to P-03-09 new 92 CLD | Identify contractor | Spot repair |
| 1/20 | E-11 | Polycoat top of septic tank wall | Consider in 2025 | |

*Items marked COMPLETED will be removed from the Status Report the following month.

| <u>DATE</u> | <u>REF.</u> | <u>TASK</u> | <u>STATUS</u> | <u>NEXT STEP</u> |
|-----------------------------------|-------------|---|---|---------------------------------------|
| <u>MAINTENANCE MATTERS</u> | | | | |
| | | Monitor sludge level - WWTP walls | Valley - ongoing | |
| 8/17 | | Repair/replace #3 dosing siphon in dosing structure | Pending | |
| 8/18 | M-7 | Install signage at WWTP | Commission volunteered | Pending/field trip |
| 2/17 | | Replace P-00-01 MH cover | Pending purchase/install - LRP | Pending |
| 2/17 | M-6 | Remove shrubbery | Commission volunteered | Pending/field trip |
| | | Transplant sand into filter bed #3 | suspended | |
| 10/16 | | Annual load bank/fluid svc on genset | completed Oct 2019 | Next due- Oct 2020 |
| 1/13 | M-1 | Raise manhole elevations | Received quotes (on hold) | Raise manholes (on hold) |
| 7/12 | M-3 | Clean/paint plumbing | Mitigate rust, assess condition / paint | Budget work |
| 7/12 | M-4 | Repair eroded wet well stopper valve | Define scope of work | Receive add'l quotes for work |
| 7/12 | M-5 | Reset siphon valve #3 | Drain north side/buy parts/ gate valve open | Drain/close valve/ reset valve height |
| 10/19 | | Remove tree branches power line | | |

** Larger project tasks are included on the Status Report. Smaller incidental and regular ongoing tasks are excluded from this report.

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*Items marked COMPLETED will be removed from the Status Report the following month.

CV SAN. DEPT. STATUS REPORT

MARCH

| <u>DATE</u> | <u>REF.</u> | <u>TASK</u> | <u>STATUS</u> | <u>NEXT STEP</u> |
|-------------|-------------|---------------------------------|------------------------|--------------------------|
| Ongoing | | Flow data analysis | Gather data | Hydraulic study |
| Ongoing | | Sewer database & repair records | current thru 6/13 | Add to ICOM3, report map |
| Ongoing | | Financial accounting & budget | Draft FY 20/21 | Prelim FY 20/21 budget |
| Ongoing | | JTP cost allocation adjustment | allocation complete | |
| Ongoing | | C&H diversion analysis | current thru 5/19 | |
| Ongoing | | Creek pollution monitoring | BACKLOGGED | |
| Ongoing | | Manhole maintenance | brush & debris cleared | Review Summer 2020 |

FINANCIAL MATTERS

| | | | | |
|------|------|---|-----------------|----------------------------|
| 4/18 | F-23 | 10-year revenue program | updated in 2018 | BACKLOGGED |
| 3/18 | F-22 | Climate change impacts | POSTPONED | Strategic planning in fall |
| 3/18 | F-21 | Advance planning renegotiate JUA | POSTPONED | Review JUA in winter |
| 3/18 | F-20 | Advance planning for flow reduction C&H | POSTPONED | To Wastewater Committee |

ENGINEERING MATTERS

| | | | | |
|-------|-------|---------------------------------------|------------------------|--------------------------------|
| 5/18 | E-27 | Flyght SCADA with MCC | engineer investigating | To bid April 2020 |
| 12/12 | E-26 | Protect pump station from floods | POSTPONED | remove bricks by March 2020 |
| 5/12 | E-25 | 6" sewer behind Third/Wanda | BACKLOGGED | install access point |
| 10/10 | E-24 | Loring pump station alt. power backup | WCWD Power | install generator |
| 7/07 | E-21 | Mercury TMDL | BACKLOGGED | review / research |
| 4/07 | E-20 | Pool discharge permitting | BACKLOGGED | create permit |
| 3/05 | E-10 | EQ tank rehabilitation | cleaned 9/14 | engineers study required |
| 6/04 | E-9.5 | Sewer replacement schedule | 2% per year | Wastewater to review 2021 |
| 10/01 | E-4 | Easement agreement (405 Alhambra) | BACKLOGGED | hire surveyor |
| 8/01 | E-3 | Edwards Creek tunnel project | COMPLETED | record grant of easement |
| 7/17 | E-28 | Update contacts with DIR | BACKLOGGED | Contractors must be registered |

| <u>DATE</u> | <u>REF.</u> | <u>TASK</u> | <u>STATUS</u> | <u>NEXT STEP</u> |
|--------------------------------------|-------------|--|-----------------------|------------------------------|
| <u>ADMINISTRATIVE MATTERS</u> | | | | |
| 1/18 | A-32 | Easement Protection Program | BACKLOGGED | revisit enforcement priority |
| 6/17 | A-31 | Access & Repair Agreement Program | BACKLOGGED | develop formal program |
| 4/17 | A-30 | Abandon sewer easement 550 Alhambra | Attorney for language | record abandonment |
| 9/12 | A-28 | Capacity charge payment plan | POSTPONED | revise fee ordinance |
| 3/12 | A-27 | Common lateral ordinance | DELAYED | review ordinance |
| 2/10 | A-26 | Capacity charge ordinance | POSTPONED | revise by ordinance |
| 11/09 | A-25 | Double permit fees for no permit | drafted | adopt ordinance |
| 3/08 | N-11 | Penalties for lateral SSO negligence | BACKLOGGED | develop fines |
| 4/07 | A-20.5 | Lateral replacement | ON HOLD | |
| 11/06 | A-19 | Safety training requirements | Identify | annual training |
| 3/04 | A-16 | C&H access requirements | BACKLOGGED | abandon sewers |
| 8/03 | A-15.9 | Grease trap inspection control program | BACKLOGGED | develop procedures |
| 8/03 | A-15.8 | Grease trap maintenance | BACKLOGGED | require specified maint. |
| 8/03 | A-15.7 | Grease traps/FOG | BACKLOGGED | notify commercial kitchens |
| 3/03 | A-15 | N-00-29 sewer easement | Docs updated | parties to sign |
| 3/02 | A-14 | Encroachment permit (9 Crolona Hgts) | BACKLOGGED | send agreement |
| 2/01 | A-11 | Sewer main acceptance records | BACKLOGGED | disavow by resolution |
| 2/99 | A-8 | West County contract review | ON HOLD | continue with existing |
| 5/98 | A-4 | Emergency binder | BACKLOGGED | Update and revise |
| 6/20 | A-33 | Letter to railroad re crossing | BACKLOGGED | Protect access to outfall |
| 1/20 | A-34 | Outfall lease SLC #25959 | Incomplete | Address outstanding items |
| 1/20 | A-35 | Voumetric reporting | Register on web | Complete reporting April 30 |